



Sen. Kwame Raoul

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1 AMENDMENT TO SENATE BILL 2621

2 AMENDMENT NO. _____. Amend Senate Bill 2621 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Unified Code of Corrections is amended by
5 changing Sections 3-2-2, 3-3-1, 3-3-2, 3-3-9, 3-6-3, 3-7-6,
6 5-4-1, 5-4.5-20, 5-4.5-25, 5-4.5-30, 5-4.5-35, 5-4.5-40,
7 5-4.5-45, 5-4.5-55, 5-4.5-60, 5-4.5-65, 5-4.5-100, and 5-5-3,
8 and by adding Section 5-8-1.4 as follows:

9 (730 ILCS 5/3-2-2) (from Ch. 38, par. 1003-2-2)

10 Sec. 3-2-2. Powers and Duties of the Department.

11 (1) In addition to the powers, duties and responsibilities
12 which are otherwise provided by law, the Department shall have
13 the following powers:

14 (a) To accept persons committed to it by the courts of
15 this State for care, custody, treatment and
16 rehabilitation, and to accept federal prisoners and aliens

1 over whom the Office of the Federal Detention Trustee is
2 authorized to exercise the federal detention function for
3 limited purposes and periods of time.

4 (b) To develop and maintain reception and evaluation
5 units for purposes of analyzing the custody and
6 rehabilitation needs of persons committed to it and to
7 assign such persons to institutions and programs under its
8 control or transfer them to other appropriate agencies. In
9 consultation with the Department of Alcoholism and
10 Substance Abuse (now the Department of Human Services), the
11 Department of Corrections shall develop a master plan for
12 the screening and evaluation of persons committed to its
13 custody who have alcohol or drug abuse problems, and for
14 making appropriate treatment available to such persons;
15 the Department shall report to the General Assembly on such
16 plan not later than April 1, 1987. The maintenance and
17 implementation of such plan shall be contingent upon the
18 availability of funds.

19 (b-1) To create and implement, on January 1, 2002, a
20 pilot program to establish the effectiveness of
21 pupillometer technology (the measurement of the pupil's
22 reaction to light) as an alternative to a urine test for
23 purposes of screening and evaluating persons committed to
24 its custody who have alcohol or drug problems. The pilot
25 program shall require the pupillometer technology to be
26 used in at least one Department of Corrections facility.

1 The Director may expand the pilot program to include an
2 additional facility or facilities as he or she deems
3 appropriate. A minimum of 4,000 tests shall be included in
4 the pilot program. The Department must report to the
5 General Assembly on the effectiveness of the program by
6 January 1, 2003.

7 (b-5) To develop, in consultation with the Department
8 of State Police, a program for tracking and evaluating each
9 inmate from commitment through release for recording his or
10 her gang affiliations, activities, or ranks.

11 (c) To maintain and administer all State correctional
12 institutions and facilities under its control and to
13 establish new ones as needed. Pursuant to its power to
14 establish new institutions and facilities, the Department
15 may, with the written approval of the Governor, authorize
16 the Department of Central Management Services to enter into
17 an agreement of the type described in subsection (d) of
18 Section 405-300 of the Department of Central Management
19 Services Law (20 ILCS 405/405-300). The Department shall
20 designate those institutions which shall constitute the
21 State Penitentiary System.

22 Pursuant to its power to establish new institutions and
23 facilities, the Department may authorize the Department of
24 Central Management Services to accept bids from counties
25 and municipalities for the construction, remodeling or
26 conversion of a structure to be leased to the Department of

1 Corrections for the purposes of its serving as a
2 correctional institution or facility. Such construction,
3 remodeling or conversion may be financed with revenue bonds
4 issued pursuant to the Industrial Building Revenue Bond Act
5 by the municipality or county. The lease specified in a bid
6 shall be for a term of not less than the time needed to
7 retire any revenue bonds used to finance the project, but
8 not to exceed 40 years. The lease may grant to the State
9 the option to purchase the structure outright.

10 Upon receipt of the bids, the Department may certify
11 one or more of the bids and shall submit any such bids to
12 the General Assembly for approval. Upon approval of a bid
13 by a constitutional majority of both houses of the General
14 Assembly, pursuant to joint resolution, the Department of
15 Central Management Services may enter into an agreement
16 with the county or municipality pursuant to such bid.

17 (c-5) To build and maintain regional juvenile
18 detention centers and to charge a per diem to the counties
19 as established by the Department to defray the costs of
20 housing each minor in a center. In this subsection (c-5),
21 "juvenile detention center" means a facility to house
22 minors during pendency of trial who have been transferred
23 from proceedings under the Juvenile Court Act of 1987 to
24 prosecutions under the criminal laws of this State in
25 accordance with Section 5-805 of the Juvenile Court Act of
26 1987, whether the transfer was by operation of law or

1 permissive under that Section. The Department shall
2 designate the counties to be served by each regional
3 juvenile detention center.

4 (d) To develop and maintain programs of control,
5 rehabilitation and employment of committed persons within
6 its institutions.

7 (d-5) To provide a pre-release job preparation program
8 for inmates at Illinois adult correctional centers.

9 (e) To establish a system of supervision and guidance
10 of committed persons in the community.

11 (f) To establish in cooperation with the Department of
12 Transportation to supply a sufficient number of prisoners
13 for use by the Department of Transportation to clean up the
14 trash and garbage along State, county, township, or
15 municipal highways as designated by the Department of
16 Transportation. The Department of Corrections, at the
17 request of the Department of Transportation, shall furnish
18 such prisoners at least annually for a period to be agreed
19 upon between the Director of Corrections and the Director
20 of Transportation. The prisoners used on this program shall
21 be selected by the Director of Corrections on whatever
22 basis he deems proper in consideration of their term,
23 behavior and earned eligibility to participate in such
24 program - where they will be outside of the prison facility
25 but still in the custody of the Department of Corrections.
26 Prisoners convicted of first degree murder, or a Class X

1 felony, or armed violence, or aggravated kidnapping, or
2 criminal sexual assault, aggravated criminal sexual abuse
3 or a subsequent conviction for criminal sexual abuse, or
4 forcible detention, or arson, or a prisoner adjudged a
5 Habitual Criminal shall not be eligible for selection to
6 participate in such program. The prisoners shall remain as
7 prisoners in the custody of the Department of Corrections
8 and such Department shall furnish whatever security is
9 necessary. The Department of Transportation shall furnish
10 trucks and equipment for the highway cleanup program and
11 personnel to supervise and direct the program. Neither the
12 Department of Corrections nor the Department of
13 Transportation shall replace any regular employee with a
14 prisoner.

15 (g) To maintain records of persons committed to it and
16 to establish programs of research, statistics and
17 planning.

18 (h) To investigate the grievances of any person
19 committed to the Department, to inquire into any alleged
20 misconduct by employees or committed persons, and to
21 investigate the assets of committed persons to implement
22 Section 3-7-6 of this Code; and for these purposes it may
23 issue subpoenas and compel the attendance of witnesses and
24 the production of writings and papers, and may examine
25 under oath any witnesses who may appear before it; to also
26 investigate alleged violations of a parolee's or

1 releasee's conditions of parole or release; and for this
2 purpose it may issue subpoenas and compel the attendance of
3 witnesses and the production of documents only if there is
4 reason to believe that such procedures would provide
5 evidence that such violations have occurred.

6 If any person fails to obey a subpoena issued under
7 this subsection, the Director may apply to any circuit
8 court to secure compliance with the subpoena. The failure
9 to comply with the order of the court issued in response
10 thereto shall be punishable as contempt of court.

11 (i) To appoint and remove the chief administrative
12 officers, and administer programs of training and
13 development of personnel of the Department. Personnel
14 assigned by the Department to be responsible for the
15 custody and control of committed persons or to investigate
16 the alleged misconduct of committed persons or employees or
17 alleged violations of a parolee's or releasee's conditions
18 of parole shall be conservators of the peace for those
19 purposes, and shall have the full power of peace officers
20 outside of the facilities of the Department in the
21 protection, arrest, retaking and reconfining of committed
22 persons or where the exercise of such power is necessary to
23 the investigation of such misconduct or violations.

24 (j) To cooperate with other departments and agencies
25 and with local communities for the development of standards
26 and programs for better correctional services in this

1 State.

2 (k) To administer all moneys and properties of the
3 Department.

4 (l) To report annually to the Governor on the committed
5 persons, institutions and programs of the Department.

6 (1-5) In a confidential annual report to the Governor,
7 the Department shall identify all inmate gangs by
8 specifying each current gang's name, population and allied
9 gangs. The Department shall further specify the number of
10 top leaders identified by the Department for each gang
11 during the past year, and the measures taken by the
12 Department to segregate each leader from his or her gang
13 and allied gangs. The Department shall further report the
14 current status of leaders identified and segregated in
15 previous years. All leaders described in the report shall
16 be identified by inmate number or other designation to
17 enable tracking, auditing, and verification without
18 revealing the names of the leaders. Because this report
19 contains law enforcement intelligence information
20 collected by the Department, the report is confidential and
21 not subject to public disclosure.

22 (m) To make all rules and regulations and exercise all
23 powers and duties vested by law in the Department.

24 (n) To establish rules and regulations for
25 administering a system of sentence ~~good conduct~~ credits,
26 established in accordance with Section 3-6-3, subject to

1 review by the Prisoner Review Board.

2 (o) To administer the distribution of funds from the
3 State Treasury to reimburse counties where State penal
4 institutions are located for the payment of assistant
5 state's attorneys' salaries under Section 4-2001 of the
6 Counties Code.

7 (p) To exchange information with the Department of
8 Human Services and the Department of Healthcare and Family
9 Services for the purpose of verifying living arrangements
10 and for other purposes directly connected with the
11 administration of this Code and the Illinois Public Aid
12 Code.

13 (q) To establish a diversion program.

14 The program shall provide a structured environment for
15 selected technical parole or mandatory supervised release
16 violators and committed persons who have violated the rules
17 governing their conduct while in work release. This program
18 shall not apply to those persons who have committed a new
19 offense while serving on parole or mandatory supervised
20 release or while committed to work release.

21 Elements of the program shall include, but shall not be
22 limited to, the following:

23 (1) The staff of a diversion facility shall provide
24 supervision in accordance with required objectives set
25 by the facility.

26 (2) Participants shall be required to maintain

1 employment.

2 (3) Each participant shall pay for room and board
3 at the facility on a sliding-scale basis according to
4 the participant's income.

5 (4) Each participant shall:

6 (A) provide restitution to victims in
7 accordance with any court order;

8 (B) provide financial support to his
9 dependents; and

10 (C) make appropriate payments toward any other
11 court-ordered obligations.

12 (5) Each participant shall complete community
13 service in addition to employment.

14 (6) Participants shall take part in such
15 counseling, educational and other programs as the
16 Department may deem appropriate.

17 (7) Participants shall submit to drug and alcohol
18 screening.

19 (8) The Department shall promulgate rules
20 governing the administration of the program.

21 (q-5) To establish a Second Chance Families diversion
22 program.

23 The program shall provide structured alternative
24 custody in lieu of confinement for female inmates, pregnant
25 inmates, or inmates who were primary caregivers of
26 dependent children immediately prior to incarceration. A

1 participant shall agree to and fully participate in, an
2 individualized treatment and rehabilitation plan of
3 evidence-based programs and services that will aid in the
4 successful reentry into society while he or she takes part
5 in alternative custody. One day of participation in the
6 alternative custody program shall be in lieu of one day of
7 incarceration in the Department. Participants in the
8 program shall be eligible for and receive any sentence
9 reduction credits that they would have received had they
10 served their sentence while incarcerated in a Department
11 facility, and shall be subject to denial and loss of credit
12 as provided by law. The Department may enter into contracts
13 with county agencies, not-for-profit organizations,
14 for-profit organizations, and others in order to promote
15 alternative custody placements.

16 Alternative custody shall include the use of
17 electronic monitoring , global positioning system devices,
18 or other supervising devices for the purpose of helping to
19 verify a participant's compliance with the rules and
20 regulations of the program. Electronic monitoring shall be
21 administered as provided in Article 8A of this Code.
22 Alternative custody conditions shall include, but not be
23 limited to, the following:

24 (1) Confinement to a residential home during the
25 hours designated by the Department;

26 (2) Confinement to a residential drug or treatment

1 program during the hours designated by the Department;

2 or

3 (3) Confinement to a transitional care facility
4 that offers appropriate services.

5 The Director, or his or her designee, shall have sole
6 discretion to select eligible inmates for placement in the
7 program; however, to be eligible the inmate must be
8 sentenced to a determinate term of imprisonment in the
9 Department and may not have:

10 (1) a current or prior conviction for a violent
11 crime as defined in Section 3 of the Rights of Crime
12 Victims and Witnesses Act;

13 (2) a current or prior conviction for a forcible
14 felony as defined in Section 2-8 of the Criminal Code
15 of 1961;

16 (3) a current or prior conviction for an offense
17 that requires the person to register as a sex offender
18 under the Sex Offender Registration Act; and

19 (4) a history, within the last 10 years, of escape
20 from a facility while under juvenile or adult custody,
21 including, but not limited to, any detention facility,
22 camp, jail, or state prison facility.

23 Participants shall take part in counseling,
24 educational and other programs as the Department may deem
25 appropriate.

26 The Department shall promulgate rules governing the

1 administration of the program.

2 (r) To enter into intergovernmental cooperation
3 agreements under which persons in the custody of the
4 Department may participate in a county impact
5 incarceration program established under Section 3-6038 or
6 3-15003.5 of the Counties Code.

7 (r-5) (Blank).

8 (r-10) To systematically and routinely identify with
9 respect to each streetgang active within the correctional
10 system: (1) each active gang; (2) every existing inter-gang
11 affiliation or alliance; and (3) the current leaders in
12 each gang. The Department shall promptly segregate leaders
13 from inmates who belong to their gangs and allied gangs.
14 "Segregate" means no physical contact and, to the extent
15 possible under the conditions and space available at the
16 correctional facility, prohibition of visual and sound
17 communication. For the purposes of this paragraph (r-10),
18 "leaders" means persons who:

19 (i) are members of a criminal streetgang;

20 (ii) with respect to other individuals within the
21 streetgang, occupy a position of organizer,
22 supervisor, or other position of management or
23 leadership; and

24 (iii) are actively and personally engaged in
25 directing, ordering, authorizing, or requesting
26 commission of criminal acts by others, which are

1 punishable as a felony, in furtherance of streetgang
2 related activity both within and outside of the
3 Department of Corrections.

4 "Streetgang", "gang", and "streetgang related" have the
5 meanings ascribed to them in Section 10 of the Illinois
6 Streetgang Terrorism Omnibus Prevention Act.

7 (s) To operate a super-maximum security institution,
8 in order to manage and supervise inmates who are disruptive
9 or dangerous and provide for the safety and security of the
10 staff and the other inmates.

11 (t) To monitor any unprivileged conversation or any
12 unprivileged communication, whether in person or by mail,
13 telephone, or other means, between an inmate who, before
14 commitment to the Department, was a member of an organized
15 gang and any other person without the need to show cause or
16 satisfy any other requirement of law before beginning the
17 monitoring, except as constitutionally required. The
18 monitoring may be by video, voice, or other method of
19 recording or by any other means. As used in this
20 subdivision (1)(t), "organized gang" has the meaning
21 ascribed to it in Section 10 of the Illinois Streetgang
22 Terrorism Omnibus Prevention Act.

23 As used in this subdivision (1)(t), "unprivileged
24 conversation" or "unprivileged communication" means a
25 conversation or communication that is not protected by any
26 privilege recognized by law or by decision, rule, or order

1 of the Illinois Supreme Court.

2 (u) To establish a Women's and Children's Pre-release
3 Community Supervision Program for the purpose of providing
4 housing and services to eligible female inmates, as
5 determined by the Department, and their newborn and young
6 children.

7 (u-5) To issue an order, whenever a person committed to
8 the Department absconds or absents himself or herself,
9 without authority to do so, from any facility or program to
10 which he or she is assigned. The order shall be certified
11 by the Director, the Supervisor of the Apprehension Unit,
12 or any person duly designated by the Director, with the
13 seal of the Department affixed. The order shall be directed
14 to all sheriffs, coroners, and police officers, or to any
15 particular person named in the order. Any order issued
16 pursuant to this subdivision (1) (u-5) shall be sufficient
17 warrant for the officer or person named in the order to
18 arrest and deliver the committed person to the proper
19 correctional officials and shall be executed the same as
20 criminal process.

21 (v) To do all other acts necessary to carry out the
22 provisions of this Chapter.

23 (2) The Department of Corrections shall by January 1, 1998,
24 consider building and operating a correctional facility within
25 100 miles of a county of over 2,000,000 inhabitants, especially
26 a facility designed to house juvenile participants in the

1 impact incarceration program.

2 (3) When the Department lets bids for contracts for medical
3 services to be provided to persons committed to Department
4 facilities by a health maintenance organization, medical
5 service corporation, or other health care provider, the bid may
6 only be let to a health care provider that has obtained an
7 irrevocable letter of credit or performance bond issued by a
8 company whose bonds are rated AAA by a bond rating
9 organization.

10 (4) When the Department lets bids for contracts for food or
11 commissary services to be provided to Department facilities,
12 the bid may only be let to a food or commissary services
13 provider that has obtained an irrevocable letter of credit or
14 performance bond issued by a company whose bonds are rated AAA
15 by a bond rating organization.

16 (Source: P.A. 96-1265, eff. 7-26-10.)

17 (730 ILCS 5/3-3-1) (from Ch. 38, par. 1003-3-1)

18 Sec. 3-3-1. Establishment and Appointment of Prisoner
19 Review Board.

20 (a) There shall be a Prisoner Review Board independent of
21 the Department of Corrections which shall be:

22 (1) the paroling authority for persons sentenced under
23 the law in effect prior to the effective date of this
24 amendatory Act of 1977;

25 (2) the board of review for cases involving the

1 revocation of sentence ~~good-conduct~~ credits or a suspension
2 or reduction in the rate of accumulating the ~~such~~ credit;

3 (3) the board of review and recommendation for the
4 exercise of executive clemency by the Governor;

5 (4) the authority for establishing release dates for
6 certain prisoners sentenced under the law in existence
7 prior to the effective date of this amendatory Act of 1977,
8 in accordance with Section 3-3-2.1 of this Code;

9 (5) the authority for setting conditions for parole,
10 mandatory supervised release under Section 5-8-1(a) of
11 this Code, and determining whether a violation of those
12 conditions warrant revocation of parole or mandatory
13 supervised release or the imposition of other sanctions.

14 (b) The Board shall consist of 15 persons appointed by the
15 Governor by and with the advice and consent of the Senate. One
16 member of the Board shall be designated by the Governor to be
17 Chairman and shall serve as Chairman at the pleasure of the
18 Governor. The members of the Board shall have had at least 5
19 years of actual experience in the fields of penology,
20 corrections work, law enforcement, sociology, law, education,
21 social work, medicine, psychology, other behavioral sciences,
22 or a combination thereof. At least 6 members so appointed must
23 have had at least 3 years experience in the field of juvenile
24 matters. No more than 8 Board members may be members of the
25 same political party.

26 Each member of the Board shall serve on a full-time basis

1 and shall not hold any other salaried public office, whether
2 elective or appointive, nor any other office or position of
3 profit, nor engage in any other business, employment, or
4 vocation. The Chairman of the Board shall receive \$35,000 a
5 year, or an amount set by the Compensation Review Board,
6 whichever is greater, and each other member \$30,000, or an
7 amount set by the Compensation Review Board, whichever is
8 greater.

9 (c) Notwithstanding any other provision of this Section,
10 the term of each member of the Board who was appointed by the
11 Governor and is in office on June 30, 2003 shall terminate at
12 the close of business on that date or when all of the successor
13 members to be appointed pursuant to this amendatory Act of the
14 93rd General Assembly have been appointed by the Governor,
15 whichever occurs later. As soon as possible, the Governor shall
16 appoint persons to fill the vacancies created by this
17 amendatory Act.

18 Of the initial members appointed under this amendatory Act
19 of the 93rd General Assembly, the Governor shall appoint 5
20 members whose terms shall expire on the third Monday in January
21 2005, 5 members whose terms shall expire on the third Monday in
22 January 2007, and 5 members whose terms shall expire on the
23 third Monday in January 2009. Their respective successors shall
24 be appointed for terms of 6 years from the third Monday in
25 January of the year of appointment. Each member shall serve
26 until his successor is appointed and qualified.

1 Any member may be removed by the Governor for incompetence,
2 neglect of duty, malfeasance or inability to serve.

3 (d) The Chairman of the Board shall be its chief executive
4 and administrative officer. The Board may have an Executive
5 Director; if so, the Executive Director shall be appointed by
6 the Governor with the advice and consent of the Senate. The
7 salary and duties of the Executive Director shall be fixed by
8 the Board.

9 (Source: P.A. 93-509, eff. 8-11-03; 94-165, eff. 7-11-05.)

10 (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)

11 Sec. 3-3-2. Powers and Duties.

12 (a) The Parole and Pardon Board is abolished and the term
13 "Parole and Pardon Board" as used in any law of Illinois, shall
14 read "Prisoner Review Board." After the effective date of this
15 amendatory Act of 1977, the Prisoner Review Board shall provide
16 by rule for the orderly transition of all files, records, and
17 documents of the Parole and Pardon Board and for such other
18 steps as may be necessary to effect an orderly transition and
19 shall:

20 (1) hear by at least one member and through a panel of
21 at least 3 members decide, cases of prisoners who were
22 sentenced under the law in effect prior to the effective
23 date of this amendatory Act of 1977, and who are eligible
24 for parole;

25 (2) hear by at least one member and through a panel of

1 at least 3 members decide, the conditions of parole and the
2 time of discharge from parole, impose sanctions for
3 violations of parole, and revoke parole for those sentenced
4 under the law in effect prior to this amendatory Act of
5 1977; provided that the decision to parole and the
6 conditions of parole for all prisoners who were sentenced
7 for first degree murder or who received a minimum sentence
8 of 20 years or more under the law in effect prior to
9 February 1, 1978 shall be determined by a majority vote of
10 the Prisoner Review Board. One representative supporting
11 parole and one representative opposing parole will be
12 allowed to speak. Their comments shall be limited to making
13 corrections and filling in omissions to the Board's
14 presentation and discussion;

15 (3) hear by at least one member and through a panel of
16 at least 3 members decide, the conditions of mandatory
17 supervised release and the time of discharge from mandatory
18 supervised release, impose sanctions for violations of
19 mandatory supervised release, and revoke mandatory
20 supervised release for those sentenced under the law in
21 effect after the effective date of this amendatory Act of
22 1977;

23 (3.5) hear by at least one member and through a panel
24 of at least 3 members decide, the conditions of mandatory
25 supervised release and the time of discharge from mandatory
26 supervised release, to impose sanctions for violations of

1 mandatory supervised release and revoke mandatory
2 supervised release for those serving extended supervised
3 release terms pursuant to paragraph (4) of subsection (d)
4 of Section 5-8-1;

5 (4) hear by at least 1 member and through a panel of at
6 least 3 members, decide cases brought by the Department of
7 Corrections against a prisoner in the custody of the
8 Department for alleged violation of Department rules with
9 respect to sentence ~~good conduct~~ credits under ~~pursuant to~~
10 Section 3-6-3 of this Code in which the Department seeks to
11 revoke sentence ~~good conduct~~ credits, if the amount of time
12 at issue exceeds 30 days or when, during any 12 month
13 period, the cumulative amount of credit revoked exceeds 30
14 days except where the infraction is committed or discovered
15 within 60 days of scheduled release. In such cases, the
16 Department of Corrections may revoke up to 30 days of
17 sentence ~~good conduct~~ credit. The Board may subsequently
18 approve the revocation of additional sentence ~~good conduct~~
19 credit, if the Department seeks to revoke sentence ~~good~~
20 ~~conduct~~ credit in excess of thirty days. However, the Board
21 shall not be empowered to review the Department's decision
22 with respect to the loss of 30 days of sentence ~~good~~
23 ~~conduct~~ credit for any prisoner or to increase any penalty
24 beyond the length requested by the Department;

25 (5) hear by at least one member and through a panel of
26 at least 3 members decide, the release dates for certain

1 prisoners sentenced under the law in existence prior to the
2 effective date of this amendatory Act of 1977, in
3 accordance with Section 3-3-2.1 of this Code;

4 (6) hear by at least one member and through a panel of
5 at least 3 members decide, all requests for pardon,
6 reprieve or commutation, and make confidential
7 recommendations to the Governor;

8 (7) comply with the requirements of the Open Parole
9 Hearings Act;

10 (8) hear by at least one member and, through a panel of
11 at least 3 members, decide cases brought by the Department
12 of Corrections against a prisoner in the custody of the
13 Department for court dismissal of a frivolous lawsuit
14 pursuant to Section 3-6-3(d) of this Code in which the
15 Department seeks to revoke up to 180 days of sentence ~~good~~
16 ~~conduct~~ credit, and if the prisoner has not accumulated 180
17 days of sentence ~~good conduct~~ credit at the time of the
18 dismissal, then all sentence ~~good—conduct~~ credit
19 accumulated by the prisoner shall be revoked; ~~and~~

20 (9) hear by at least 3 members, and, through a panel of
21 at least 3 members, decide whether to grant certificates of
22 relief from disabilities or certificates of good conduct as
23 provided in Article 5.5 of Chapter V.

24 (a-5) The Prisoner Review Board, with the cooperation of
25 and in coordination with the Department of Corrections and the
26 Department of Central Management Services, shall implement a

1 pilot project in 3 correctional institutions providing for the
2 conduct of hearings under paragraphs (1) and (4) of subsection
3 (a) of this Section through interactive video conferences. The
4 project shall be implemented within 6 months after the
5 effective date of this amendatory Act of 1996. Within 6 months
6 after the implementation of the pilot project, the Prisoner
7 Review Board, with the cooperation of and in coordination with
8 the Department of Corrections and the Department of Central
9 Management Services, shall report to the Governor and the
10 General Assembly regarding the use, costs, effectiveness, and
11 future viability of interactive video conferences for Prisoner
12 Review Board hearings.

13 (b) Upon recommendation of the Department the Board may
14 restore sentence ~~good conduct~~ credit previously revoked.

15 (c) The Board shall cooperate with the Department in
16 promoting an effective system of parole and mandatory
17 supervised release.

18 (d) The Board shall promulgate rules for the conduct of its
19 work, and the Chairman shall file a copy of such rules and any
20 amendments thereto with the Director and with the Secretary of
21 State.

22 (e) The Board shall keep records of all of its official
23 actions and shall make them accessible in accordance with law
24 and the rules of the Board.

25 (f) The Board or one who has allegedly violated the
26 conditions of his parole or mandatory supervised release may

1 require by subpoena the attendance and testimony of witnesses
2 and the production of documentary evidence relating to any
3 matter under investigation or hearing. The Chairman of the
4 Board may sign subpoenas which shall be served by any agent or
5 public official authorized by the Chairman of the Board, or by
6 any person lawfully authorized to serve a subpoena under the
7 laws of the State of Illinois. The attendance of witnesses, and
8 the production of documentary evidence, may be required from
9 any place in the State to a hearing location in the State
10 before the Chairman of the Board or his designated agent or
11 agents or any duly constituted Committee or Subcommittee of the
12 Board. Witnesses so summoned shall be paid the same fees and
13 mileage that are paid witnesses in the circuit courts of the
14 State, and witnesses whose depositions are taken and the
15 persons taking those depositions are each entitled to the same
16 fees as are paid for like services in actions in the circuit
17 courts of the State. Fees and mileage shall be vouchered for
18 payment when the witness is discharged from further attendance.

19 In case of disobedience to a subpoena, the Board may
20 petition any circuit court of the State for an order requiring
21 the attendance and testimony of witnesses or the production of
22 documentary evidence or both. A copy of such petition shall be
23 served by personal service or by registered or certified mail
24 upon the person who has failed to obey the subpoena, and such
25 person shall be advised in writing that a hearing upon the
26 petition will be requested in a court room to be designated in

1 such notice before the judge hearing motions or extraordinary
2 remedies at a specified time, on a specified date, not less
3 than 10 nor more than 15 days after the deposit of the copy of
4 the written notice and petition in the U.S. mails addressed to
5 the person at his last known address or after the personal
6 service of the copy of the notice and petition upon such
7 person. The court upon the filing of such a petition, may order
8 the person refusing to obey the subpoena to appear at an
9 investigation or hearing, or to there produce documentary
10 evidence, if so ordered, or to give evidence relative to the
11 subject matter of that investigation or hearing. Any failure to
12 obey such order of the circuit court may be punished by that
13 court as a contempt of court.

14 Each member of the Board and any hearing officer designated
15 by the Board shall have the power to administer oaths and to
16 take the testimony of persons under oath.

17 (g) Except under subsection (a) of this Section, a majority
18 of the members then appointed to the Prisoner Review Board
19 shall constitute a quorum for the transaction of all business
20 of the Board.

21 (h) The Prisoner Review Board shall annually transmit to
22 the Director a detailed report of its work for the preceding
23 calendar year. The annual report shall also be transmitted to
24 the Governor for submission to the Legislature.

25 (Source: P.A. 96-875, eff. 1-22-10.)

1 (730 ILCS 5/3-3-9) (from Ch. 38, par. 1003-3-9)

2 Sec. 3-3-9. Violations; changes of conditions; preliminary
3 hearing; revocation of parole or mandatory supervised release;
4 revocation hearing.

5 (a) If prior to expiration or termination of the term of
6 parole or mandatory supervised release, a person violates a
7 condition set by the Prisoner Review Board or a condition of
8 parole or mandatory supervised release under Section 3-3-7 of
9 this Code to govern that term, the Board may:

10 (1) continue the existing term, with or without
11 modifying or enlarging the conditions; or

12 (2) parole or release the person to a half-way house;
13 or

14 (3) revoke the parole or mandatory supervised release
15 and reconfine the person for a term computed in the
16 following manner:

17 (i) (A) For those sentenced under the law in effect
18 prior to this amendatory Act of 1977, the recommitment
19 shall be for any portion of the imposed maximum term of
20 imprisonment or confinement which had not been served
21 at the time of parole and the parole term, less the
22 time elapsed between the parole of the person and the
23 commission of the violation for which parole was
24 revoked;

25 (B) Except as set forth in paragraph (C), for those
26 subject to mandatory supervised release under

1 paragraph (d) of Section 5-8-1 of this Code, the
2 recommitment shall be for the total mandatory
3 supervised release term, less the time elapsed between
4 the release of the person and the commission of the
5 violation for which mandatory supervised release is
6 revoked. The Board may also order that a prisoner serve
7 up to one year of the sentence imposed by the court
8 which was not served due to the accumulation of
9 sentence ~~good conduct~~ credit;

10 (C) For those subject to sex offender supervision
11 under clause (d) (4) of Section 5-8-1 of this Code, the
12 reconfinement period for violations of clauses (a) (3)
13 through (b-1) (15) of Section 3-3-7 shall not exceed 2
14 years from the date of reconfinement.

15 (ii) the person shall be given credit against the
16 term of reimprisonment or reconfinement for time spent
17 in custody since he was paroled or released which has
18 not been credited against another sentence or period of
19 confinement;

20 (iii) persons committed under the Juvenile Court
21 Act or the Juvenile Court Act of 1987 may be continued
22 under the existing term of parole with or without
23 modifying the conditions of parole, paroled or
24 released to a group home or other residential facility,
25 or recommitted until the age of 21 unless sooner
26 terminated;

1 (iv) this Section is subject to the release under
2 supervision and the reparole and rerelease provisions
3 of Section 3-3-10.

4 (b) The Board may revoke parole or mandatory supervised
5 release for violation of a condition for the duration of the
6 term and for any further period which is reasonably necessary
7 for the adjudication of matters arising before its expiration.
8 The issuance of a warrant of arrest for an alleged violation of
9 the conditions of parole or mandatory supervised release shall
10 toll the running of the term until the final determination of
11 the charge. When parole or mandatory supervised release is not
12 revoked that period shall be credited to the term, unless a
13 community-based sanction is imposed as an alternative to
14 revocation and reincarceration, including a diversion
15 established by the Illinois Department of Corrections Parole
16 Services Unit prior to the holding of a preliminary parole
17 revocation hearing. Parolees who are diverted to a
18 community-based sanction shall serve the entire term of parole
19 or mandatory supervised release, if otherwise appropriate.

20 (b-5) The Board shall revoke parole or mandatory supervised
21 release for violation of the conditions prescribed in paragraph
22 (7.6) of subsection (a) of Section 3-3-7.

23 (c) A person charged with violating a condition of parole
24 or mandatory supervised release shall have a preliminary
25 hearing before a hearing officer designated by the Board to
26 determine if there is cause to hold the person for a revocation

1 hearing. However, no preliminary hearing need be held when
2 revocation is based upon new criminal charges and a court finds
3 probable cause on the new criminal charges or when the
4 revocation is based upon a new criminal conviction and a
5 certified copy of that conviction is available.

6 (d) Parole or mandatory supervised release shall not be
7 revoked without written notice to the offender setting forth
8 the violation of parole or mandatory supervised release charged
9 against him.

10 (e) A hearing on revocation shall be conducted before at
11 least one member of the Prisoner Review Board. The Board may
12 meet and order its actions in panels of 3 or more members. The
13 action of a majority of the panel shall be the action of the
14 Board. In consideration of persons committed to the Department
15 of Juvenile Justice, the member hearing the matter and at least
16 a majority of the panel shall be experienced in juvenile
17 matters. A record of the hearing shall be made. At the hearing
18 the offender shall be permitted to:

19 (1) appear and answer the charge; and

20 (2) bring witnesses on his behalf.

21 (f) The Board shall either revoke parole or mandatory
22 supervised release or order the person's term continued with or
23 without modification or enlargement of the conditions.

24 (g) Parole or mandatory supervised release shall not be
25 revoked for failure to make payments under the conditions of
26 parole or release unless the Board determines that such failure

1 is due to the offender's willful refusal to pay.

2 (Source: P.A. 95-82, eff. 8-13-07; 96-1271, eff. 1-1-11.)

3 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

4 Sec. 3-6-3. Rules and Regulations for Sentence Credit ~~Early~~
5 ~~Release~~.

6 (a) (1) The Department of Corrections shall prescribe
7 rules and regulations for awarding and revoking sentence
8 credit for ~~the early release on account of good conduct of~~
9 persons committed to the Department which shall be subject
10 to review by the Prisoner Review Board.

11 (1.5) As otherwise provided by law, sentence credit may
12 be awarded for the following:

13 (A) successful completion of programming while in
14 custody of the Department or while in custody prior to
15 sentencing;

16 (B) compliance with the rules and regulations of
17 the Department;

18 (C) promoting an inmate's preexisting family
19 relationship with a minor child or children; or

20 (D) service to the institution, service to a
21 community, or service to the State.

22 (2) The rules and regulations on sentence credit ~~early~~
23 ~~release~~ shall provide, with respect to offenses listed in
24 clause (i), (ii), or (iii) of this paragraph (2) committed
25 on or after June 19, 1998 or with respect to the offense

1 listed in clause (iv) of this paragraph (2) committed on or
2 after June 23, 2005 (the effective date of Public Act
3 94-71) or with respect to offense listed in clause (vi)
4 committed on or after June 1, 2008 (the effective date of
5 Public Act 95-625) or with respect to the offense of being
6 an armed habitual criminal committed on or after August 2,
7 2005 (the effective date of Public Act 94-398) or with
8 respect to the offenses listed in clause (v) of this
9 paragraph (2) committed on or after August 13, 2007 (the
10 effective date of Public Act 95-134) or with respect to the
11 offense of aggravated domestic battery committed on or
12 after July 23, 2010 (the effective date of Public Act
13 96-1224), the following:

14 (i) that a prisoner who is serving a term of
15 imprisonment for first degree murder or for the offense
16 of terrorism shall receive no sentence ~~good conduct~~
17 credit and shall serve the entire sentence imposed by
18 the court;

19 (ii) that a prisoner serving a sentence for attempt
20 to commit first degree murder, solicitation of murder,
21 solicitation of murder for hire, intentional homicide
22 of an unborn child, predatory criminal sexual assault
23 of a child, aggravated criminal sexual assault,
24 criminal sexual assault, aggravated kidnapping,
25 aggravated battery with a firearm as described in
26 Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3),

1 or (e) (4) of Section 12-3.05, heinous battery as
2 described in Section 12-4.1 or subdivision (a) (2) of
3 Section 12-3.05, being an armed habitual criminal,
4 aggravated battery of a senior citizen as described in
5 Section 12-4.6 or subdivision (a) (4) of Section
6 12-3.05, or aggravated battery of a child as described
7 in Section 12-4.3 or subdivision (b) (1) of Section
8 12-3.05 shall receive no more than 4.5 days of sentence
9 ~~good conduct~~ credit for each month of his or her
10 sentence of imprisonment;

11 (iii) that a prisoner serving a sentence for home
12 invasion, armed robbery, aggravated vehicular
13 hijacking, aggravated discharge of a firearm, or armed
14 violence with a category I weapon or category II
15 weapon, when the court has made and entered a finding,
16 pursuant to subsection (c-1) of Section 5-4-1 of this
17 Code, that the conduct leading to conviction for the
18 enumerated offense resulted in great bodily harm to a
19 victim, shall receive no more than 4.5 days of sentence
20 ~~good conduct~~ credit for each month of his or her
21 sentence of imprisonment;

22 (iv) that a prisoner serving a sentence for
23 aggravated discharge of a firearm, whether or not the
24 conduct leading to conviction for the offense resulted
25 in great bodily harm to the victim, shall receive no
26 more than 4.5 days of sentence ~~good conduct~~ credit for

1 each month of his or her sentence of imprisonment;

2 (v) that a person serving a sentence for
3 gunrunning, narcotics racketeering, controlled
4 substance trafficking, methamphetamine trafficking,
5 drug-induced homicide, aggravated
6 methamphetamine-related child endangerment, money
7 laundering pursuant to clause (c) (4) or (5) of Section
8 29B-1 of the Criminal Code of 1961, or a Class X felony
9 conviction for delivery of a controlled substance,
10 possession of a controlled substance with intent to
11 manufacture or deliver, calculated criminal drug
12 conspiracy, criminal drug conspiracy, street gang
13 criminal drug conspiracy, participation in
14 methamphetamine manufacturing, aggravated
15 participation in methamphetamine manufacturing,
16 delivery of methamphetamine, possession with intent to
17 deliver methamphetamine, aggravated delivery of
18 methamphetamine, aggravated possession with intent to
19 deliver methamphetamine, methamphetamine conspiracy
20 when the substance containing the controlled substance
21 or methamphetamine is 100 grams or more shall receive
22 no more than 7.5 days sentence ~~good conduct~~ credit for
23 each month of his or her sentence of imprisonment;

24 (vi) that a prisoner serving a sentence for a
25 second or subsequent offense of luring a minor shall
26 receive no more than 4.5 days of sentence ~~good conduct~~

1 credit for each month of his or her sentence of
2 imprisonment; and

3 (vii) that a prisoner serving a sentence for
4 aggravated domestic battery shall receive no more than
5 4.5 days of sentence ~~good conduct~~ credit for each month
6 of his or her sentence of imprisonment.

7 (2.1) For all offenses, other than those enumerated in
8 subdivision (a)(2)(i), (ii), or (iii) committed on or after
9 June 19, 1998 or subdivision (a)(2)(iv) committed on or
10 after June 23, 2005 (the effective date of Public Act
11 94-71) or subdivision (a)(2)(v) committed on or after
12 August 13, 2007 (the effective date of Public Act 95-134)
13 or subdivision (a)(2)(vi) committed on or after June 1,
14 2008 (the effective date of Public Act 95-625) or
15 subdivision (a)(2)(vii) committed on or after July 23, 2010
16 (the effective date of Public Act 96-1224), and other than
17 the offense of aggravated driving under the influence of
18 alcohol, other drug or drugs, or intoxicating compound or
19 compounds, or any combination thereof as defined in
20 subparagraph (F) of paragraph (1) of subsection (d) of
21 Section 11-501 of the Illinois Vehicle Code, and other than
22 the offense of aggravated driving under the influence of
23 alcohol, other drug or drugs, or intoxicating compound or
24 compounds, or any combination thereof as defined in
25 subparagraph (C) of paragraph (1) of subsection (d) of
26 Section 11-501 of the Illinois Vehicle Code committed on or

1 after January 1, 2011 (the effective date of Public Act
2 96-1230), the rules and regulations shall provide that a
3 prisoner who is serving a term of imprisonment shall
4 receive one day of sentence ~~good conduct~~ credit for each
5 day of his or her sentence of imprisonment or recommitment
6 under Section 3-3-9. Each day of sentence ~~good conduct~~
7 credit shall reduce by one day the prisoner's period of
8 imprisonment or recommitment under Section 3-3-9.

9 (2.2) A prisoner serving a term of natural life
10 imprisonment or a prisoner who has been sentenced to death
11 shall receive no sentence ~~good conduct~~ credit.

12 (2.3) The rules and regulations on sentence credit
13 ~~early release~~ shall provide that a prisoner who is serving
14 a sentence for aggravated driving under the influence of
15 alcohol, other drug or drugs, or intoxicating compound or
16 compounds, or any combination thereof as defined in
17 subparagraph (F) of paragraph (1) of subsection (d) of
18 Section 11-501 of the Illinois Vehicle Code, shall receive
19 no more than 4.5 days of sentence ~~good conduct~~ credit for
20 each month of his or her sentence of imprisonment.

21 (2.4) The rules and regulations on sentence credit
22 ~~early release~~ shall provide with respect to the offenses of
23 aggravated battery with a machine gun or a firearm equipped
24 with any device or attachment designed or used for
25 silencing the report of a firearm or aggravated discharge
26 of a machine gun or a firearm equipped with any device or

1 attachment designed or used for silencing the report of a
2 firearm, committed on or after July 15, 1999 (the effective
3 date of Public Act 91-121), that a prisoner serving a
4 sentence for any of these offenses shall receive no more
5 than 4.5 days of sentence ~~good conduct~~ credit for each
6 month of his or her sentence of imprisonment.

7 (2.5) The rules and regulations on sentence credit
8 ~~early release~~ shall provide that a prisoner who is serving
9 a sentence for aggravated arson committed on or after July
10 27, 2001 (the effective date of Public Act 92-176) shall
11 receive no more than 4.5 days of sentence ~~good conduct~~
12 credit for each month of his or her sentence of
13 imprisonment.

14 (2.6) The rules and regulations on sentence credit
15 ~~early release~~ shall provide that a prisoner who is serving
16 a sentence for aggravated driving under the influence of
17 alcohol, other drug or drugs, or intoxicating compound or
18 compounds or any combination thereof as defined in
19 subparagraph (C) of paragraph (1) of subsection (d) of
20 Section 11-501 of the Illinois Vehicle Code committed on or
21 after January 1, 2011 (the effective date of Public Act
22 96-1230) shall receive no more than 4.5 days of sentence
23 ~~good conduct~~ credit for each month of his or her sentence
24 of imprisonment.

25 (3) The rules and regulations shall also provide that
26 the Director may award up to 180 days additional sentence

1 ~~good conduct~~ credit for good conduct ~~meritorious service~~ in
2 specific instances as the Director deems proper for the
3 following:

4 (A) Good conduct, including but not limited to
5 compliance with the rules and regulations of the
6 Department, service to the Department, service to a
7 community, or service to the State; except that no more
8 than 90 days of sentence ~~good conduct~~ credit for good
9 conduct ~~meritorious service~~ shall be awarded to any
10 prisoner who is serving a sentence for conviction of
11 first degree murder, reckless homicide while under the
12 influence of alcohol or any other drug, or aggravated
13 driving under the influence of alcohol, other drug or
14 drugs, or intoxicating compound or compounds, or any
15 combination thereof as defined in subparagraph (F) of
16 paragraph (1) of subsection (d) of Section 11-501 of
17 the Illinois Vehicle Code, aggravated kidnapping,
18 kidnapping, predatory criminal sexual assault of a
19 child, aggravated criminal sexual assault, criminal
20 sexual assault, deviate sexual assault, aggravated
21 criminal sexual abuse, aggravated indecent liberties
22 with a child, indecent liberties with a child, child
23 pornography, heinous battery as described in Section
24 12-4.1 or subdivision (a)(2) of Section 12-3.05,
25 aggravated battery of a spouse, aggravated battery of a
26 spouse with a firearm, stalking, aggravated stalking,

1 aggravated battery of a child as described in Section
2 12-4.3 or subdivision (b)(1) of Section 12-3.05,
3 endangering the life or health of a child, or cruelty
4 to a child. Notwithstanding the foregoing, sentence
5 ~~good conduct~~ credit for good conduct ~~meritorious~~
6 ~~service~~ shall not be awarded on a sentence of
7 imprisonment imposed for conviction of: (i) one of the
8 offenses enumerated in subdivision (a)(2)(i), (ii), or
9 (iii) when the offense is committed on or after June
10 19, 1998 or subdivision (a)(2)(iv) when the offense is
11 committed on or after June 23, 2005 (the effective date
12 of Public Act 94-71) or subdivision (a)(2)(v) when the
13 offense is committed on or after August 13, 2007 (the
14 effective date of Public Act 95-134) or subdivision
15 (a)(2)(vi) when the offense is committed on or after
16 June 1, 2008 (the effective date of Public Act 95-625)
17 or subdivision (a)(2)(vii) when the offense is
18 committed on or after July 23, 2010 (the effective date
19 of Public Act 96-1224), (ii) aggravated driving under
20 the influence of alcohol, other drug or drugs, or
21 intoxicating compound or compounds, or any combination
22 thereof as defined in subparagraph (F) of paragraph (1)
23 of subsection (d) of Section 11-501 of the Illinois
24 Vehicle Code, (iii) one of the offenses enumerated in
25 subdivision (a)(2.4) when the offense is committed on
26 or after July 15, 1999 (the effective date of Public

1 Act 91-121), (iv) aggravated arson when the offense is
2 committed on or after July 27, 2001 (the effective date
3 of Public Act 92-176), (v) offenses that may subject
4 the offender to commitment under the Sexually Violent
5 Persons Commitment Act, or (vi) aggravated driving
6 under the influence of alcohol, other drug or drugs, or
7 intoxicating compound or compounds or any combination
8 thereof as defined in subparagraph (C) of paragraph (1)
9 of subsection (d) of Section 11-501 of the Illinois
10 Vehicle Code committed on or after January 1, 2011 (the
11 effective date of Public Act 96-1230).

12 (B) Promoting and strengthening an inmate's
13 preexisting family relationship with a minor child or
14 children in accordance with standards established by
15 the Department, provided that the inmate has never been
16 convicted of a violent crime as defined in Section 3 of
17 the Rights of Crime Victims and Witnesses Act.

18 Eligible inmates for an award of sentence credit under
19 this paragraph (3) may be selected to receive the credit at
20 the Director's, or his or her designee's, sole discretion.
21 Consideration may be based on, but not limited to, any
22 available risk-assessment analysis on the inmate, any
23 history of violent crime convictions, facts and
24 circumstances of the inmate's holding offense or offenses,
25 and the potential for rehabilitation. The Director shall
26 not award sentence ~~good conduct~~ credit ~~for meritorious~~

1 ~~service~~ under this paragraph (3) to an inmate unless the
2 inmate has served a minimum of 60 days of the sentence;
3 except nothing in this paragraph shall be construed to
4 permit the Director to extend an inmate's sentence beyond
5 that which was imposed by the court. Prior to awarding
6 credit under this paragraph (3), the Director shall make a
7 written determination that the inmate:

8 (A) is eligible for the sentence ~~good conduct~~
9 credit ~~for meritorious service~~;

10 (B) has served a minimum of 60 days, or as close to
11 60 days as the sentence will allow; and

12 (C) has met the eligibility criteria established
13 by rule.

14 The Director shall determine the form and content of
15 the written determination required in this subsection.

16 (3.5) The Department shall provide annual written
17 reports to the Governor and the General Assembly on the
18 award of sentence credit for good conduct, with the first
19 report due January 1, 2014. The Department must publish
20 both reports on its website within 48 hours of transmitting
21 the reports to the Governor and the General Assembly. The
22 reports must include:

23 (A) the number of inmates awarded sentence credit
24 for good conduct;

25 (B) the average amount of sentence credit for good
26 conduct awarded;

1 (C) the holding offenses of inmates awarded
2 sentence credit for good conduct; and

3 (D) the number of sentence credit for good conduct
4 revocations.

5 (4) The rules and regulations shall also provide that
6 the sentence ~~good conduct~~ credit accumulated and retained
7 under paragraph (2.1) of subsection (a) of this Section by
8 any inmate during specific periods of time in which such
9 inmate is engaged full-time in substance abuse programs,
10 correctional industry assignments, ~~or~~ educational
11 programs, behavior modification programs, life skills
12 courses, or re-entry planning provided by the Department
13 under this paragraph (4) and satisfactorily completes the
14 assigned program as determined by the standards of the
15 Department, shall be multiplied by a factor of 1.25 for
16 program participation before August 11, 1993 and 1.50 for
17 program participation on or after that date. The rules and
18 regulations shall also provide that sentence credit,
19 subject to the same offense limits and multiplier provided
20 in this paragraph, may be provided to an inmate who was
21 held in pre-trial detention prior to his or her current
22 commitment to the Department of Corrections and
23 successfully completed a full-time 60 day or longer
24 substance abuse program, educational program, behavior
25 modification program, life skills course, or re-entry
26 planning provided by the county department of corrections

1 or county jail. Calculation of this county program credit
2 shall be done at sentencing as provided in Section
3 5-4.5-100 of this Code and shall be included in the
4 sentencing order. However, no inmate shall be eligible for
5 the additional sentence ~~good conduct~~ credit under this
6 paragraph (4) or (4.1) of this subsection (a) while
7 assigned to a boot camp or electronic detention, or if
8 convicted of an offense enumerated in subdivision
9 (a)(2)(i), (ii), or (iii) of this Section that is committed
10 on or after June 19, 1998 or subdivision (a)(2)(iv) of this
11 Section that is committed on or after June 23, 2005 (the
12 effective date of Public Act 94-71) or subdivision
13 (a)(2)(v) of this Section that is committed on or after
14 August 13, 2007 (the effective date of Public Act 95-134)
15 or subdivision (a)(2)(vi) when the offense is committed on
16 or after June 1, 2008 (the effective date of Public Act
17 95-625) or subdivision (a)(2)(vii) when the offense is
18 committed on or after July 23, 2010 (the effective date of
19 Public Act 96-1224), or if convicted of aggravated driving
20 under the influence of alcohol, other drug or drugs, or
21 intoxicating compound or compounds or any combination
22 thereof as defined in subparagraph (F) of paragraph (1) of
23 subsection (d) of Section 11-501 of the Illinois Vehicle
24 Code, or if convicted of aggravated driving under the
25 influence of alcohol, other drug or drugs, or intoxicating
26 compound or compounds or any combination thereof as defined

1 in subparagraph (C) of paragraph (1) of subsection (d) of
2 Section 11-501 of the Illinois Vehicle Code committed on or
3 after January 1, 2011 (the effective date of Public Act
4 96-1230), or if convicted of an offense enumerated in
5 paragraph (a)(2.4) of this Section that is committed on or
6 after July 15, 1999 (the effective date of Public Act
7 91-121), or first degree murder, a Class X felony, criminal
8 sexual assault, felony criminal sexual abuse, aggravated
9 criminal sexual abuse, aggravated battery with a firearm as
10 described in Section 12-4.2 or subdivision (e)(1), (e)(2),
11 (e)(3), or (e)(4) of Section 12-3.05, or any predecessor or
12 successor offenses with the same or substantially the same
13 elements, or any inchoate offenses relating to the
14 foregoing offenses. ~~No inmate shall be eligible for the
15 additional good conduct credit under this paragraph (4) who
16 (i) has previously received increased good conduct credit
17 under this paragraph (4) and has subsequently been
18 convicted of a felony, or (ii) has previously served more
19 than one prior sentence of imprisonment for a felony in an
20 adult correctional facility.~~

21 Educational, vocational, substance abuse, behavior
22 modification programs, life skills courses, re-entry
23 planning, and correctional industry programs under which
24 sentence ~~good conduct~~ credit may be increased under this
25 paragraph (4) and paragraph (4.1) of this subsection (a)
26 shall be evaluated by the Department on the basis of

1 documented standards. The Department shall report the
2 results of these evaluations to the Governor and the
3 General Assembly by September 30th of each year. The
4 reports shall include data relating to the recidivism rate
5 among program participants.

6 Availability of these programs shall be subject to the
7 limits of fiscal resources appropriated by the General
8 Assembly for these purposes. Eligible inmates who are
9 denied immediate admission shall be placed on a waiting
10 list under criteria established by the Department. The
11 inability of any inmate to become engaged in any such
12 programs by reason of insufficient program resources or for
13 any other reason established under the rules and
14 regulations of the Department shall not be deemed a cause
15 of action under which the Department or any employee or
16 agent of the Department shall be liable for damages to the
17 inmate.

18 (4.1) The rules and regulations shall also provide that
19 an additional 60 days of sentence ~~good conduct~~ credit shall
20 be awarded to any prisoner who passes the high school level
21 Test of General Educational Development (GED) while the
22 prisoner is committed to the Department of Corrections
23 ~~incarcerated~~. The sentence ~~good conduct~~ credit awarded
24 under this paragraph (4.1) shall be in addition to, and
25 shall not affect, the award of sentence credit ~~good conduct~~
26 under any other paragraph of this Section, but shall also

1 be pursuant to the guidelines and restrictions set forth in
2 paragraph (4) of subsection (a) of this Section. The
3 sentence ~~good conduct~~ credit provided for in this paragraph
4 shall be available only to those prisoners who have not
5 previously earned a high school diploma or a GED. If, after
6 an award of the GED sentence ~~good conduct~~ credit has been
7 made and the Department determines that the prisoner was
8 not eligible, then the award shall be revoked. The
9 Department may also award 60 days of sentence credit to any
10 committed person who passed the high school level Test of
11 General Educational Development (GED) while he or she was
12 held in pre-trial detention prior to the current commitment
13 to the Department of Corrections.

14 (4.5) The rules and regulations on sentence credit
15 ~~early release~~ shall also provide that when the court's
16 sentencing order recommends a prisoner for substance abuse
17 treatment and the crime was committed on or after September
18 1, 2003 (the effective date of Public Act 93-354), the
19 prisoner shall receive no sentence ~~good conduct~~ credit
20 awarded under clause (3) of this subsection (a) unless he
21 or she participates in and completes a substance abuse
22 treatment program. The Director may waive the requirement
23 to participate in or complete a substance abuse treatment
24 program and award the sentence ~~good conduct~~ credit in
25 specific instances if the prisoner is not a good candidate
26 for a substance abuse treatment program for medical,

1 programming, or operational reasons. Availability of
2 substance abuse treatment shall be subject to the limits of
3 fiscal resources appropriated by the General Assembly for
4 these purposes. If treatment is not available and the
5 requirement to participate and complete the treatment has
6 not been waived by the Director, the prisoner shall be
7 placed on a waiting list under criteria established by the
8 Department. The Director may allow a prisoner placed on a
9 waiting list to participate in and complete a substance
10 abuse education class or attend substance abuse self-help
11 meetings in lieu of a substance abuse treatment program. A
12 prisoner on a waiting list who is not placed in a substance
13 abuse program prior to release may be eligible for a waiver
14 and receive sentence ~~good conduct~~ credit under clause (3)
15 of this subsection (a) at the discretion of the Director.

16 (4.6) The rules and regulations on sentence credit
17 ~~early release~~ shall also provide that a prisoner who has
18 been convicted of a sex offense as defined in Section 2 of
19 the Sex Offender Registration Act shall receive no sentence
20 ~~good conduct~~ credit unless he or she either has
21 successfully completed or is participating in sex offender
22 treatment as defined by the Sex Offender Management Board.
23 However, prisoners who are waiting to receive ~~such~~
24 treatment, but who are unable to do so due solely to the
25 lack of resources on the part of the Department, may, at
26 the Director's sole discretion, be awarded sentence ~~good~~

1 ~~conduct~~ credit at a ~~such~~ rate as the Director shall
2 determine.

3 (5) Whenever the Department is to release any inmate
4 earlier than it otherwise would because of a grant of
5 sentence ~~good conduct~~ credit for good conduct under
6 paragraph (3) of subsection (a) of this Section ~~meritorious~~
7 ~~service~~ given at any time during the term, the Department
8 shall give reasonable notice of the impending release not
9 less than 14 days prior to the date of the release to the
10 State's Attorney of the county where the prosecution of the
11 inmate took place, and if applicable, the State's Attorney
12 of the county into which the inmate will be released. The
13 Department must also make identification information and a
14 recent photo of the inmate being released accessible on the
15 Internet by means of a hyperlink labeled "Community
16 Notification of Inmate Early Release" on the Department's
17 World Wide Web homepage. The identification information
18 shall include the inmate's: name, any known alias, date of
19 birth, physical characteristics, residence address,
20 commitment offense and county where conviction was
21 imposed. The identification information shall be placed on
22 the website within 3 days of the inmate's release and the
23 information may not be removed until either: completion of
24 the first year of mandatory supervised release or return of
25 the inmate to custody of the Department.

26 (b) Whenever a person is or has been committed under

1 several convictions, with separate sentences, the sentences
2 shall be construed under Section 5-8-4 in granting and
3 forfeiting of sentence credit ~~good time~~.

4 (c) The Department shall prescribe rules and regulations
5 for revoking sentence ~~good conduct~~ credit, including revoking
6 sentence credit awarded for good conduct and promoting family
7 relationship under paragraph (3) of subsection (a) of this
8 Section. The Department shall prescribe rules and regulations
9 for ~~or~~ suspending or reducing the rate of accumulation of
10 sentence ~~good conduct~~ credit for specific rule violations,
11 during imprisonment. These rules and regulations shall provide
12 that no inmate may be penalized more than one year of sentence
13 ~~good conduct~~ credit for any one infraction.

14 When the Department seeks to revoke, suspend or reduce the
15 rate of accumulation of any sentence ~~good conduct~~ credits for
16 an alleged infraction of its rules, it shall bring charges
17 therefor against the prisoner sought to be so deprived of
18 sentence ~~good conduct~~ credits before the Prisoner Review Board
19 as provided in subparagraph (a)(4) of Section 3-3-2 of this
20 Code, if the amount of credit at issue exceeds 30 days or when
21 during any 12 month period, the cumulative amount of credit
22 revoked exceeds 30 days except where the infraction is
23 committed or discovered within 60 days of scheduled release. In
24 those cases, the Department of Corrections may revoke up to 30
25 days of sentence ~~good conduct~~ credit. The Board may
26 subsequently approve the revocation of additional sentence

1 ~~good conduct~~ credit, if the Department seeks to revoke sentence
2 ~~good conduct~~ credit in excess of 30 days. However, the Board
3 shall not be empowered to review the Department's decision with
4 respect to the loss of 30 days of sentence ~~good conduct~~ credit
5 within any calendar year for any prisoner or to increase any
6 penalty beyond the length requested by the Department.

7 The Director of the Department of Corrections, in
8 appropriate cases, may restore up to 30 days of sentence ~~good~~
9 ~~conduct~~ credits which have been revoked, suspended or reduced.
10 Any restoration of sentence ~~good conduct~~ credits in excess of
11 30 days shall be subject to review by the Prisoner Review
12 Board. However, the Board may not restore sentence ~~good conduct~~
13 credit in excess of the amount requested by the Director.

14 Nothing contained in this Section shall prohibit the
15 Prisoner Review Board from ordering, pursuant to Section
16 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the
17 sentence imposed by the court that was not served due to the
18 accumulation of sentence ~~good conduct~~ credit.

19 (d) If a lawsuit is filed by a prisoner in an Illinois or
20 federal court against the State, the Department of Corrections,
21 or the Prisoner Review Board, or against any of their officers
22 or employees, and the court makes a specific finding that a
23 pleading, motion, or other paper filed by the prisoner is
24 frivolous, the Department of Corrections shall conduct a
25 hearing to revoke up to 180 days of sentence ~~good conduct~~
26 credit by bringing charges against the prisoner sought to be

1 deprived of the sentence ~~good-conduct~~ credits before the
2 Prisoner Review Board as provided in subparagraph (a)(8) of
3 Section 3-3-2 of this Code. If the prisoner has not accumulated
4 180 days of sentence ~~good-conduct~~ credit at the time of the
5 finding, then the Prisoner Review Board may revoke all sentence
6 ~~good-conduct~~ credit accumulated by the prisoner.

7 For purposes of this subsection (d):

8 (1) "Frivolous" means that a pleading, motion, or other
9 filing which purports to be a legal document filed by a
10 prisoner in his or her lawsuit meets any or all of the
11 following criteria:

12 (A) it lacks an arguable basis either in law or in
13 fact;

14 (B) it is being presented for any improper purpose,
15 such as to harass or to cause unnecessary delay or
16 needless increase in the cost of litigation;

17 (C) the claims, defenses, and other legal
18 contentions therein are not warranted by existing law
19 or by a nonfrivolous argument for the extension,
20 modification, or reversal of existing law or the
21 establishment of new law;

22 (D) the allegations and other factual contentions
23 do not have evidentiary support or, if specifically so
24 identified, are not likely to have evidentiary support
25 after a reasonable opportunity for further
26 investigation or discovery; or

1 (E) the denials of factual contentions are not
2 warranted on the evidence, or if specifically so
3 identified, are not reasonably based on a lack of
4 information or belief.

5 (2) "Lawsuit" means a motion pursuant to Section 116-3
6 of the Code of Criminal Procedure of 1963, a habeas corpus
7 action under Article X of the Code of Civil Procedure or
8 under federal law (28 U.S.C. 2254), a petition for claim
9 under the Court of Claims Act, an action under the federal
10 Civil Rights Act (42 U.S.C. 1983), or a second or
11 subsequent petition for post-conviction relief under
12 Article 122 of the Code of Criminal Procedure of 1963
13 whether filed with or without leave of court or a second or
14 subsequent petition for relief from judgment under Section
15 2-1401 of the Code of Civil Procedure.

16 (e) Nothing in Public Act 90-592 or 90-593 affects the
17 validity of Public Act 89-404.

18 (f) Whenever the Department is to release any inmate who
19 has been convicted of a violation of an order of protection
20 under Section 12-3.4 or 12-30 of the Criminal Code of 1961,
21 earlier than it otherwise would because of a grant of sentence
22 ~~good conduct~~ credit, the Department, as a condition of ~~such~~
23 ~~early~~ release, shall require that the person, upon release, be
24 placed under electronic surveillance as provided in Section
25 5-8A-7 of this Code.

26 (Source: P.A. 95-134, eff. 8-13-07; 95-585, eff. 6-1-08;

1 95-625, eff. 6-1-08; 95-640, eff. 6-1-08; 95-773, eff. 1-1-09;
2 95-876, eff. 8-21-08; 96-860, eff. 1-15-10; 96-1110, eff.
3 7-19-10; 96-1128, eff. 1-1-11; 96-1200, eff. 7-22-10; 96-1224,
4 eff. 7-23-10; 96-1230, eff. 1-1-11; 96-1551, eff. 7-1-11;
5 97-333, eff. 8-12-11.)

6 (730 ILCS 5/3-7-6) (from Ch. 38, par. 1003-7-6)

7 Sec. 3-7-6. Reimbursement for expenses.

8 (a) Responsibility of committed persons. For the purposes
9 of this Section, "committed persons" mean those persons who
10 through judicial determination have been placed in the custody
11 of the Department on the basis of a conviction as an adult.
12 Committed persons shall be responsible to reimburse the
13 Department for the expenses incurred by their incarceration at
14 a rate to be determined by the Department in accordance with
15 this Section.

16 (1) Committed persons shall fully cooperate with the
17 Department by providing complete financial information for
18 the purposes under this Section.

19 (2) The failure of a committed person to fully
20 cooperate as provided for in clauses (3) and (4) of
21 subsection (a-5) shall be considered for purposes of a
22 parole determination. Any committed person who willfully
23 refuses to cooperate with the obligations set forth in this
24 Section may be subject to the loss of sentence ~~good conduct~~
25 credit towards his or her sentence of up to 180 days.

1 (a-5) Assets information form.

2 (1) The Department shall develop a form, which shall be
3 used by the Department to obtain information from all
4 committed persons regarding assets of the persons.

5 (2) In order to enable the Department to determine the
6 financial status of the committed person, the form shall
7 provide for obtaining the age and marital status of a
8 committed person, the number and ages of children of the
9 person, the number and ages of other dependents, the type
10 and value of real estate, the type and value of personal
11 property, cash and bank accounts, the location of any lock
12 boxes, the type and value of investments, pensions and
13 annuities and any other personalty of significant cash
14 value, including but not limited to jewelry, art work and
15 collectables, and all medical or dental insurance policies
16 covering the committed person. The form may also provide
17 for other information deemed pertinent by the Department in
18 the investigation of a committed person's assets.

19 (3) Upon being developed, the form shall be submitted
20 to each committed person as of the date the form is
21 developed and to every committed person who thereafter is
22 sentenced to imprisonment under the jurisdiction of the
23 Department. The form may be resubmitted to a committed
24 person by the Department for purpose of obtaining current
25 information regarding the assets of the person.

26 (4) Every committed person shall complete the form or

1 provide for completion of the form and the committed person
2 shall swear under oath or affirm that to the best of his or
3 her knowledge the information provided is complete and
4 accurate.

5 (b) Expenses. The rate at which sums to be charged for the
6 expenses incurred by a committed person for his or her
7 confinement shall be computed by the Department as the average
8 per capita cost per day for all inmates of that institution or
9 facility for that fiscal year. The average per capita cost per
10 day shall be computed by the Department based on the average
11 per capita cost per day for the operation of that institution
12 or facility for the fiscal year immediately preceding the
13 period of incarceration for which the rate is being calculated.
14 The Department shall establish rules and regulations providing
15 for the computation of the above costs, and shall determine the
16 average per capita cost per day for each of its institutions or
17 facilities for each fiscal year. The Department shall have the
18 power to modify its rules and regulations, so as to provide for
19 the most accurate and most current average per capita cost per
20 day computation. Where the committed person is placed in a
21 facility outside the Department, the Department may pay the
22 actual cost of services in that facility, and may collect
23 reimbursement for the entire amount paid from the committed
24 person receiving those services.

25 (c) Records. The records of the Department, including, but
26 not limited to, those relating to: the average per capita cost

1 per day for a particular institution or facility for a
2 particular year, and the calculation of the average per capita
3 cost per day; the average daily population of a particular
4 Department correctional institution or facility for a
5 particular year; the specific placement of a particular
6 committed person in various Department correctional
7 institutions or facilities for various periods of time; and the
8 record of transactions of a particular committed person's trust
9 account under Section 3-4-3 of this Act; may be proved in any
10 legal proceeding, by a reproduced copy thereof or by a computer
11 printout of Department records, under the certificate of the
12 Director. If reproduced copies are used, the Director must
13 certify that those are true and exact copies of the records on
14 file with the Department. If computer printouts of records of
15 the Department are offered as proof, the Director must certify
16 that those computer printouts are true and exact
17 representations of records properly entered into standard
18 electronic computing equipment, in the regular course of the
19 Department's business, at or reasonably near the time of the
20 occurrence of the facts recorded, from trustworthy and reliable
21 information. The reproduced copy or computer printout shall,
22 without further proof, be admitted into evidence in any legal
23 proceeding, and shall be prima facie correct and prima facie
24 evidence of the accuracy of the information contained therein.

25 (d) Authority. The Director, or the Director's designee,
26 may, when he or she knows or reasonably believes that a

1 committed person, or the estate of that person, has assets
2 which may be used to satisfy all or part of a judgment rendered
3 under this Act, or when he or she knows or reasonably believes
4 that a committed person is engaged in gang-related activity and
5 has a substantial sum of money or other assets, provide for the
6 forwarding to the Attorney General of a report on the committed
7 person and that report shall contain a completed form under
8 subsection (a-5) together with all other information available
9 concerning the assets of the committed person and an estimate
10 of the total expenses for that committed person, and authorize
11 the Attorney General to institute proceedings to require the
12 persons, or the estates of the persons, to reimburse the
13 Department for the expenses incurred by their incarceration.
14 The Attorney General, upon authorization of the Director, or
15 the Director's designee, shall institute actions on behalf of
16 the Department and pursue claims on the Department's behalf in
17 probate and bankruptcy proceedings, to recover from committed
18 persons the expenses incurred by their confinement. For
19 purposes of this subsection (d), "gang-related" activity has
20 the meaning ascribed to it in Section 10 of the Illinois
21 Streetgang Terrorism Omnibus Prevention Act.

22 (e) Scope and limitations.

23 (1) No action under this Section shall be initiated
24 more than 2 years after the release or death of the
25 committed person in question.

26 (2) The death of a convicted person, by execution or

1 otherwise, while committed to a Department correctional
2 institution or facility shall not act as a bar to any
3 action or proceeding under this Section.

4 (3) The assets of a committed person, for the purposes
5 of this Section, shall include any property, tangible or
6 intangible, real or personal, belonging to or due to a
7 committed or formerly committed person including income or
8 payments to the person from social security, worker's
9 compensation, veteran's compensation, pension benefits, or
10 from any other source whatsoever and any and all assets and
11 property of whatever character held in the name of the
12 person, held for the benefit of the person, or payable or
13 otherwise deliverable to the person. Any trust, or portion
14 of a trust, of which a convicted person is a beneficiary,
15 shall be construed as an asset of the person, to the extent
16 that benefits thereunder are required to be paid to the
17 person, or shall in fact be paid to the person. At the time
18 of a legal proceeding by the Attorney General under this
19 Section, if it appears that the committed person has any
20 assets which ought to be subjected to the claim of the
21 Department under this Section, the court may issue an order
22 requiring any person, corporation, or other legal entity
23 possessed or having custody of those assets to appropriate
24 any of the assets or a portion thereof toward reimbursing
25 the Department as provided for under this Section. No
26 provision of this Section shall be construed in violation

1 of any State or federal limitation on the collection of
2 money judgments.

3 (4) Nothing in this Section shall preclude the
4 Department from applying federal benefits that are
5 specifically provided for the care and treatment of a
6 committed person toward the cost of care provided by a
7 State facility or private agency.

8 (Source: P.A. 94-1017, eff. 7-7-06.)

9 (730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

10 Sec. 5-4-1. Sentencing Hearing.

11 (a) Except when the death penalty is sought under hearing
12 procedures otherwise specified, after a determination of
13 guilt, a hearing shall be held to impose the sentence. However,
14 prior to the imposition of sentence on an individual being
15 sentenced for an offense based upon a charge for a violation of
16 Section 11-501 of the Illinois Vehicle Code or a similar
17 provision of a local ordinance, the individual must undergo a
18 professional evaluation to determine if an alcohol or other
19 drug abuse problem exists and the extent of such a problem.
20 Programs conducting these evaluations shall be licensed by the
21 Department of Human Services. However, if the individual is not
22 a resident of Illinois, the court may, in its discretion,
23 accept an evaluation from a program in the state of such
24 individual's residence. The court may in its sentencing order
25 approve an eligible defendant for placement in a Department of

1 Corrections impact incarceration program as provided in
2 Section 5-8-1.1 or 5-8-1.3. The court may in its sentencing
3 order recommend a defendant for placement in a Department of
4 Corrections substance abuse treatment program as provided in
5 paragraph (a) of subsection (1) of Section 3-2-2 conditioned
6 upon the defendant being accepted in a program by the
7 Department of Corrections. At the hearing the court shall:

8 (1) consider the evidence, if any, received upon the
9 trial;

10 (2) consider any presentence reports;

11 (3) consider the financial impact of incarceration
12 based on the financial impact statement filed with the
13 clerk of the court by the Department of Corrections;

14 (4) consider evidence and information offered by the
15 parties in aggravation and mitigation;

16 (4.5) consider substance abuse treatment, eligibility
17 screening, and an assessment, if any, of the defendant by
18 an agent designated by the State of Illinois to provide
19 assessment services for the Illinois courts;

20 (5) hear arguments as to sentencing alternatives;

21 (6) afford the defendant the opportunity to make a
22 statement in his own behalf;

23 (7) afford the victim of a violent crime or a violation
24 of Section 11-501 of the Illinois Vehicle Code, or a
25 similar provision of a local ordinance, or a qualified
26 individual affected by: (i) a violation of Section 405,

1 405.1, 405.2, or 407 of the Illinois Controlled Substances
2 Act or a violation of Section 55 or Section 65 of the
3 Methamphetamine Control and Community Protection Act, or
4 (ii) a Class 4 felony violation of Section 11-14, 11-14.3
5 except as described in subdivisions (a)(2)(A) and
6 (a)(2)(B), 11-15, 11-17, 11-18, 11-18.1, or 11-19 of the
7 Criminal Code of 1961, committed by the defendant the
8 opportunity to make a statement concerning the impact on
9 the victim and to offer evidence in aggravation or
10 mitigation; provided that the statement and evidence
11 offered in aggravation or mitigation must first be prepared
12 in writing in conjunction with the State's Attorney before
13 it may be presented orally at the hearing. Any sworn
14 testimony offered by the victim is subject to the
15 defendant's right to cross-examine. All statements and
16 evidence offered under this paragraph (7) shall become part
17 of the record of the court. For the purpose of this
18 paragraph (7), "qualified individual" means any person who
19 (i) lived or worked within the territorial jurisdiction
20 where the offense took place when the offense took place;
21 and (ii) is familiar with various public places within the
22 territorial jurisdiction where the offense took place when
23 the offense took place. For the purposes of this paragraph
24 (7), "qualified individual" includes any peace officer, or
25 any member of any duly organized State, county, or
26 municipal peace unit assigned to the territorial

1 jurisdiction where the offense took place when the offense
2 took place;

3 (8) in cases of reckless homicide afford the victim's
4 spouse, guardians, parents or other immediate family
5 members an opportunity to make oral statements;

6 (9) in cases involving a felony sex offense as defined
7 under the Sex Offender Management Board Act, consider the
8 results of the sex offender evaluation conducted pursuant
9 to Section 5-3-2 of this Act; and

10 (10) make a finding of whether a motor vehicle was used
11 in the commission of the offense for which the defendant is
12 being sentenced.

13 (b) All sentences shall be imposed by the judge based upon
14 his independent assessment of the elements specified above and
15 any agreement as to sentence reached by the parties. The judge
16 who presided at the trial or the judge who accepted the plea of
17 guilty shall impose the sentence unless he is no longer sitting
18 as a judge in that court. Where the judge does not impose
19 sentence at the same time on all defendants who are convicted
20 as a result of being involved in the same offense, the
21 defendant or the State's Attorney may advise the sentencing
22 court of the disposition of any other defendants who have been
23 sentenced.

24 (c) In imposing a sentence for a violent crime or for an
25 offense of operating or being in physical control of a vehicle
26 while under the influence of alcohol, any other drug or any

1 combination thereof, or a similar provision of a local
2 ordinance, when such offense resulted in the personal injury to
3 someone other than the defendant, the trial judge shall specify
4 on the record the particular evidence, information, factors in
5 mitigation and aggravation or other reasons that led to his
6 sentencing determination. The full verbatim record of the
7 sentencing hearing shall be filed with the clerk of the court
8 and shall be a public record.

9 (c-1) In imposing a sentence for the offense of aggravated
10 kidnapping for ransom, home invasion, armed robbery,
11 aggravated vehicular hijacking, aggravated discharge of a
12 firearm, or armed violence with a category I weapon or category
13 II weapon, the trial judge shall make a finding as to whether
14 the conduct leading to conviction for the offense resulted in
15 great bodily harm to a victim, and shall enter that finding and
16 the basis for that finding in the record.

17 (c-2) If the defendant is sentenced to prison, other than
18 when a sentence of natural life imprisonment or a sentence of
19 death is imposed, at the time the sentence is imposed the judge
20 shall state on the record in open court the approximate period
21 of time the defendant will serve in custody according to the
22 then current statutory rules and regulations for sentence
23 credit ~~early release~~ found in Section 3-6-3 and other related
24 provisions of this Code. This statement is intended solely to
25 inform the public, has no legal effect on the defendant's
26 actual release, and may not be relied on by the defendant on

1 appeal.

2 The judge's statement, to be given after pronouncing the
3 sentence, other than when the sentence is imposed for one of
4 the offenses enumerated in paragraph (a)(3) (A) of Section
5 3-6-3, shall include the following:

6 "The purpose of this statement is to inform the public of
7 the actual period of time this defendant is likely to spend in
8 prison as a result of this sentence. The actual period of
9 prison time served is determined by the statutes of Illinois as
10 applied to this sentence by the Illinois Department of
11 Corrections and the Illinois Prisoner Review Board. In this
12 case, assuming the defendant receives all of his or her
13 sentence ~~good conduct~~ credit, the period of estimated actual
14 custody is ... years and ... months, less up to 180 days
15 additional sentence ~~good conduct~~ credit for good conduct, less
16 up to 180 days additional sentence credit for promoting a
17 preexisting family relationship with a minor child or children
18 ~~meritorious service~~. If the defendant, because of his or her
19 own misconduct or failure to comply with the institutional
20 regulations, does not receive those credits, the actual time
21 served in prison will be longer. The defendant may also receive
22 an additional one-half day sentence ~~good conduct~~ credit for
23 each day of participation in vocational, industry, substance
24 abuse, and educational programs as provided for by Illinois
25 statute."

26 When the sentence is imposed for one of the offenses

1 enumerated in paragraph (a) (3) (A) of Section 3-6-3, other than
2 when the sentence is imposed for one of the offenses enumerated
3 in paragraph (a) (2) of Section 3-6-3 committed on or after June
4 19, 1998, and other than when the sentence is imposed for
5 reckless homicide as defined in subsection (e) of Section 9-3
6 of the Criminal Code of 1961 if the offense was committed on or
7 after January 1, 1999, and other than when the sentence is
8 imposed for aggravated arson if the offense was committed on or
9 after July 27, 2001 (the effective date of Public Act 92-176),
10 and other than when the sentence is imposed for aggravated
11 driving under the influence of alcohol, other drug or drugs, or
12 intoxicating compound or compounds, or any combination thereof
13 as defined in subparagraph (C) of paragraph (1) of subsection
14 (d) of Section 11-501 of the Illinois Vehicle Code committed on
15 or after January 1, 2011 (the effective date of Public Act
16 96-1230), the judge's statement, to be given after pronouncing
17 the sentence, shall include the following:

18 "The purpose of this statement is to inform the public of
19 the actual period of time this defendant is likely to spend in
20 prison as a result of this sentence. The actual period of
21 prison time served is determined by the statutes of Illinois as
22 applied to this sentence by the Illinois Department of
23 Corrections and the Illinois Prisoner Review Board. In this
24 case, assuming the defendant receives all of his or her
25 sentence ~~good-conduct~~ credit, the period of estimated actual
26 custody is ... years and ... months, less up to 90 days

1 additional sentence ~~good conduct~~ credit for good conduct, less
2 up to 180 days additional sentence credit for promoting a
3 preexisting family relationship with a minor child or children
4 ~~meritorious service~~. If the defendant, because of his or her
5 own misconduct or failure to comply with the institutional
6 regulations, does not receive those credits, the actual time
7 served in prison will be longer. The defendant may also receive
8 an additional one-half day sentence ~~good conduct~~ credit for
9 each day of participation in vocational, industry, substance
10 abuse, and educational programs as provided for by Illinois
11 statute."

12 When the sentence is imposed for one of the offenses
13 enumerated in paragraph (a)(2) of Section 3-6-3, other than
14 first degree murder, and the offense was committed on or after
15 June 19, 1998, and when the sentence is imposed for reckless
16 homicide as defined in subsection (e) of Section 9-3 of the
17 Criminal Code of 1961 if the offense was committed on or after
18 January 1, 1999, and when the sentence is imposed for
19 aggravated driving under the influence of alcohol, other drug
20 or drugs, or intoxicating compound or compounds, or any
21 combination thereof as defined in subparagraph (F) of paragraph
22 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle
23 Code, and when the sentence is imposed for aggravated arson if
24 the offense was committed on or after July 27, 2001 (the
25 effective date of Public Act 92-176), and when the sentence is
26 imposed for aggravated driving under the influence of alcohol,

1 other drug or drugs, or intoxicating compound or compounds, or
2 any combination thereof as defined in subparagraph (C) of
3 paragraph (1) of subsection (d) of Section 11-501 of the
4 Illinois Vehicle Code committed on or after January 1, 2011
5 (the effective date of Public Act 96-1230), the judge's
6 statement, to be given after pronouncing the sentence, shall
7 include the following:

8 "The purpose of this statement is to inform the public of
9 the actual period of time this defendant is likely to spend in
10 prison as a result of this sentence. The actual period of
11 prison time served is determined by the statutes of Illinois as
12 applied to this sentence by the Illinois Department of
13 Corrections and the Illinois Prisoner Review Board. In this
14 case, the defendant is entitled to no more than 4 1/2 days of
15 sentence ~~good conduct~~ credit for each month of his or her
16 sentence of imprisonment. Therefore, this defendant will serve
17 at least 85% of his or her sentence. Assuming the defendant
18 receives 4 1/2 days credit for each month of his or her
19 sentence, the period of estimated actual custody is ... years
20 and ... months. If the defendant, because of his or her own
21 misconduct or failure to comply with the institutional
22 regulations receives lesser credit, the actual time served in
23 prison will be longer."

24 When a sentence of imprisonment is imposed for first degree
25 murder and the offense was committed on or after June 19, 1998,
26 the judge's statement, to be given after pronouncing the

1 sentence, shall include the following:

2 "The purpose of this statement is to inform the public of
3 the actual period of time this defendant is likely to spend in
4 prison as a result of this sentence. The actual period of
5 prison time served is determined by the statutes of Illinois as
6 applied to this sentence by the Illinois Department of
7 Corrections and the Illinois Prisoner Review Board. In this
8 case, the defendant is not entitled to sentence ~~good conduct~~
9 credit. Therefore, this defendant will serve 100% of his or her
10 sentence."

11 When the sentencing order recommends placement in a
12 substance abuse program for any offense that results in
13 incarceration in a Department of Corrections facility and the
14 crime was committed on or after September 1, 2003 (the
15 effective date of Public Act 93-354), the judge's statement, in
16 addition to any other judge's statement required under this
17 Section, to be given after pronouncing the sentence, shall
18 include the following:

19 "The purpose of this statement is to inform the public of
20 the actual period of time this defendant is likely to spend in
21 prison as a result of this sentence. The actual period of
22 prison time served is determined by the statutes of Illinois as
23 applied to this sentence by the Illinois Department of
24 Corrections and the Illinois Prisoner Review Board. In this
25 case, the defendant shall receive no sentence credit for good
26 conduct ~~credit~~ under clause (3) of subsection (a) of Section

1 3-6-3 until he or she participates in and completes a substance
2 abuse treatment program or receives a waiver from the Director
3 of Corrections pursuant to clause (4.5) of subsection (a) of
4 Section 3-6-3."

5 (c-4) Before the sentencing hearing and as part of the
6 presentence investigation under Section 5-3-1, the court shall
7 inquire of the defendant whether the defendant is currently
8 serving in or is a veteran of the Armed Forces of the United
9 States. If the defendant is currently serving in the Armed
10 Forces of the United States or is a veteran of the Armed Forces
11 of the United States and has been diagnosed as having a mental
12 illness by a qualified psychiatrist or clinical psychologist or
13 physician, the court may:

14 (1) order that the officer preparing the presentence
15 report consult with the United States Department of
16 Veterans Affairs, Illinois Department of Veterans'
17 Affairs, or another agency or person with suitable
18 knowledge or experience for the purpose of providing the
19 court with information regarding treatment options
20 available to the defendant, including federal, State, and
21 local programming; and

22 (2) consider the treatment recommendations of any
23 diagnosing or treating mental health professionals
24 together with the treatment options available to the
25 defendant in imposing sentence.

26 For the purposes of this subsection (c-4), "qualified

1 psychiatrist" means a reputable physician licensed in Illinois
2 to practice medicine in all its branches, who has specialized
3 in the diagnosis and treatment of mental and nervous disorders
4 for a period of not less than 5 years.

5 (c-6) In imposing a sentence, the trial judge shall
6 specify, on the record, the particular evidence and other
7 reasons which led to his or her determination that a motor
8 vehicle was used in the commission of the offense.

9 (d) When the defendant is committed to the Department of
10 Corrections, the State's Attorney shall and counsel for the
11 defendant may file a statement with the clerk of the court to
12 be transmitted to the department, agency or institution to
13 which the defendant is committed to furnish such department,
14 agency or institution with the facts and circumstances of the
15 offense for which the person was committed together with all
16 other factual information accessible to them in regard to the
17 person prior to his commitment relative to his habits,
18 associates, disposition and reputation and any other facts and
19 circumstances which may aid such department, agency or
20 institution during its custody of such person. The clerk shall
21 within 10 days after receiving any such statements transmit a
22 copy to such department, agency or institution and a copy to
23 the other party, provided, however, that this shall not be
24 cause for delay in conveying the person to the department,
25 agency or institution to which he has been committed.

26 (e) The clerk of the court shall transmit to the

1 department, agency or institution, if any, to which the
2 defendant is committed, the following:

3 (1) the sentence imposed;

4 (2) any statement by the court of the basis for
5 imposing the sentence;

6 (3) any presentence reports;

7 (3.5) any sex offender evaluations;

8 (3.6) any substance abuse treatment eligibility
9 screening and assessment of the defendant by an agent
10 designated by the State of Illinois to provide assessment
11 services for the Illinois courts;

12 (4) the number of days, if any, which the defendant has
13 been in custody and for which he is entitled to credit
14 against the sentence, which information shall be provided
15 to the clerk by the sheriff;

16 (4.1) any finding of great bodily harm made by the
17 court with respect to an offense enumerated in subsection
18 (c-1);

19 (5) all statements filed under subsection (d) of this
20 Section;

21 (6) any medical or mental health records or summaries
22 of the defendant;

23 (7) the municipality where the arrest of the offender
24 or the commission of the offense has occurred, where such
25 municipality has a population of more than 25,000 persons;

26 (8) all statements made and evidence offered under

1 paragraph (7) of subsection (a) of this Section; and

2 (9) all additional matters which the court directs the
3 clerk to transmit.

4 (f) In cases in which the court finds that a motor vehicle
5 was used in the commission of the offense for which the
6 defendant is being sentenced, the clerk of the court shall,
7 within 5 days thereafter, forward a report of such conviction
8 to the Secretary of State.

9 (Source: P.A. 95-331, eff. 8-21-07; 96-86, eff. 1-1-10;
10 96-1180, eff. 1-1-11; 96-1230, eff. 1-1-11; 96-1551, eff.
11 7-1-11; 97-333, eff. 8-12-11.)

12 (730 ILCS 5/5-4.5-20)

13 Sec. 5-4.5-20. FIRST DEGREE MURDER; SENTENCE. For first
14 degree murder:

15 (a) TERM. The defendant shall be sentenced to imprisonment
16 or, if appropriate, death under Section 9-1 of the Criminal
17 Code of 1961 (720 ILCS 5/9-1). Imprisonment shall be for a
18 determinate term of (1) not less than 20 years and not more
19 than 60 years; (2) not less than 60 years and not more than 100
20 years when an extended term is imposed under Section 5-8-2 (730
21 ILCS 5/5-8-2); or (3) natural life as provided in Section 5-8-1
22 (730 ILCS 5/5-8-1).

23 (b) PERIODIC IMPRISONMENT. A term of periodic imprisonment
24 shall not be imposed.

25 (c) IMPACT INCARCERATION. The impact incarceration program

1 or the county impact incarceration program is not an authorized
2 disposition.

3 (d) PROBATION; CONDITIONAL DISCHARGE. A period of
4 probation or conditional discharge shall not be imposed.

5 (e) FINE. Fines may be imposed as provided in Section
6 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

7 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
8 concerning restitution.

9 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
10 be concurrent or consecutive as provided in Section 5-8-4 (730
11 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

12 (h) DRUG COURT. Drug court is not an authorized
13 disposition.

14 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
15 ILCS 5/5-4.5-100) concerning no credit for time spent in home
16 detention prior to judgment.

17 (j) SENTENCE CREDIT ~~EARLY RELEASE; GOOD CONDUCT~~. See
18 Section 3-6-3 (730 ILCS 5/3-6-3) for rules and regulations for
19 sentence credit ~~early release based on good conduct~~.

20 (k) ELECTRONIC HOME DETENTION. Electronic home detention
21 is not an authorized disposition, except in limited
22 circumstances as provided in Section 5-8A-3 (730 ILCS
23 5/5-8A-3).

24 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
25 provided in Section 3-3-8 (730 ILCS 5/3-3-8), the parole or
26 mandatory supervised release term shall be 3 years upon release

1 from imprisonment.

2 (Source: P.A. 95-1052, eff. 7-1-09.)

3 (730 ILCS 5/5-4.5-25)

4 Sec. 5-4.5-25. CLASS X FELONIES; SENTENCE. For a Class X
5 felony:

6 (a) TERM. The sentence of imprisonment shall be a
7 determinate sentence of not less than 6 years and not more than
8 30 years. The sentence of imprisonment for an extended term
9 Class X felony, as provided in Section 5-8-2 (730 ILCS
10 5/5-8-2), shall be not less than 30 years and not more than 60
11 years.

12 (b) PERIODIC IMPRISONMENT. A term of periodic imprisonment
13 shall not be imposed.

14 (c) IMPACT INCARCERATION. The impact incarceration program
15 or the county impact incarceration program is not an authorized
16 disposition.

17 (d) PROBATION; CONDITIONAL DISCHARGE. A period of
18 probation or conditional discharge shall not be imposed.

19 (e) FINE. Fines may be imposed as provided in Section
20 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

21 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
22 concerning restitution.

23 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
24 be concurrent or consecutive as provided in Section 5-8-4 (730
25 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

1 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
2 Act (730 ILCS 166/20) concerning eligibility for a drug court
3 program.

4 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
5 ILCS 5/5-4.5-100) concerning no credit for time spent in home
6 detention prior to judgment.

7 (j) SENTENCE CREDIT ~~EARLY RELEASE; GOOD CONDUCT~~. See
8 Section 3-6-3 (730 ILCS 5/3-6-3) for rules and regulations for
9 sentence credit ~~early release based on good conduct~~.

10 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
11 5/5-8A-3) concerning eligibility for electronic home
12 detention.

13 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
14 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
15 5/5-8-1), the parole or mandatory supervised release term shall
16 be 3 years upon release from imprisonment.

17 (Source: P.A. 95-1052, eff. 7-1-09.)

18 (730 ILCS 5/5-4.5-30)

19 Sec. 5-4.5-30. CLASS 1 FELONIES; SENTENCE. For a Class 1
20 felony:

21 (a) TERM. The sentence of imprisonment, other than for
22 second degree murder, shall be a determinate sentence of not
23 less than 4 years and not more than 15 years. The sentence of
24 imprisonment for second degree murder shall be a determinate
25 sentence of not less than 4 years and not more than 20 years.

1 The sentence of imprisonment for an extended term Class 1
2 felony, as provided in Section 5-8-2 (730 ILCS 5/5-8-2), shall
3 be a term not less than 15 years and not more than 30 years.

4 (b) PERIODIC IMPRISONMENT. A sentence of periodic
5 imprisonment shall be for a definite term of from 3 to 4 years,
6 except as otherwise provided in Section 5-5-3 or 5-7-1 (730
7 ILCS 5/5-5-3 or 5/5-7-1).

8 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2
9 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for
10 the impact incarceration program or the county impact
11 incarceration program.

12 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
13 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
14 period of probation or conditional discharge shall not exceed 4
15 years. The court shall specify the conditions of probation or
16 conditional discharge as set forth in Section 5-6-3 (730 ILCS
17 5/5-6-3). In no case shall an offender be eligible for a
18 disposition of probation or conditional discharge for a Class 1
19 felony committed while he or she was serving a term of
20 probation or conditional discharge for a felony.

21 (e) FINE. Fines may be imposed as provided in Section
22 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

23 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
24 concerning restitution.

25 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
26 be concurrent or consecutive as provided in Section 5-8-4 (730

1 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

2 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
3 Act (730 ILCS 166/20) concerning eligibility for a drug court
4 program.

5 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
6 ILCS 5/5-4.5-100) concerning credit for time spent in home
7 detention prior to judgment.

8 (j) SENTENCE CREDIT ~~EARLY RELEASE; GOOD CONDUCT~~. See
9 Section 3-6-3 of this Code (730 ILCS 5/3-6-3) or the County
10 Jail Good Behavior Allowance Act (730 ILCS 130/) for rules and
11 regulations for sentence credit ~~early release based on good~~
12 ~~conduct~~.

13 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
14 5/5-8A-3) concerning eligibility for electronic home
15 detention.

16 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
17 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
18 5/5-8-1), the parole or mandatory supervised release term shall
19 be 2 years upon release from imprisonment.

20 (Source: P.A. 95-1052, eff. 7-1-09.)

21 (730 ILCS 5/5-4.5-35)

22 Sec. 5-4.5-35. CLASS 2 FELONIES; SENTENCE. For a Class 2
23 felony:

24 (a) TERM. The sentence of imprisonment shall be a
25 determinate sentence of not less than 3 years and not more than

1 7 years. The sentence of imprisonment for an extended term
2 Class 2 felony, as provided in Section 5-8-2 (730 ILCS
3 5/5-8-2), shall be a term not less than 7 years and not more
4 than 14 years.

5 (b) PERIODIC IMPRISONMENT. A sentence of periodic
6 imprisonment shall be for a definite term of from 18 to 30
7 months, except as otherwise provided in Section 5-5-3 or 5-7-1
8 (730 ILCS 5/5-5-3 or 5/5-7-1).

9 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2
10 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for
11 the impact incarceration program or the county impact
12 incarceration program.

13 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
14 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
15 period of probation or conditional discharge shall not exceed 4
16 years. The court shall specify the conditions of probation or
17 conditional discharge as set forth in Section 5-6-3 (730 ILCS
18 5/5-6-3).

19 (e) FINE. Fines may be imposed as provided in Section
20 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

21 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
22 concerning restitution.

23 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
24 be concurrent or consecutive as provided in Section 5-8-4 (730
25 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

26 (h) DRUG COURT. See Section 20 of the Drug Court Treatment

1 Act (730 ILCS 166/20) concerning eligibility for a drug court
2 program.

3 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
4 ILCS 5/5-4.5-100) concerning credit for time spent in home
5 detention prior to judgment.

6 (j) SENTENCE CREDIT ~~EARLY RELEASE; GOOD CONDUCT~~. See
7 Section 3-6-3 of this Code (730 ILCS 5/3-6-3) or the County
8 Jail Good Behavior Allowance Act (730 ILCS 130/) for rules and
9 regulations for sentence credit ~~early release based on good~~
10 ~~conduct~~.

11 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
12 5/5-8A-3) concerning eligibility for electronic home
13 detention.

14 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
15 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
16 5/5-8-1), the parole or mandatory supervised release term shall
17 be 2 years upon release from imprisonment.

18 (Source: P.A. 95-1052, eff. 7-1-09.)

19 (730 ILCS 5/5-4.5-40)

20 Sec. 5-4.5-40. CLASS 3 FELONIES; SENTENCE. For a Class 3
21 felony:

22 (a) TERM. The sentence of imprisonment shall be a
23 determinate sentence of not less than 2 years and not more than
24 5 years. The sentence of imprisonment for an extended term
25 Class 3 felony, as provided in Section 5-8-2 (730 ILCS

1 5/5-8-2), shall be a term not less than 5 years and not more
2 than 10 years.

3 (b) PERIODIC IMPRISONMENT. A sentence of periodic
4 imprisonment shall be for a definite term of up to 18 months,
5 except as otherwise provided in Section 5-5-3 or 5-7-1 (730
6 ILCS 5/5-5-3 or 5/5-7-1).

7 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2
8 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for
9 the impact incarceration program or the county impact
10 incarceration program.

11 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
12 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
13 period of probation or conditional discharge shall not exceed
14 30 months. The court shall specify the conditions of probation
15 or conditional discharge as set forth in Section 5-6-3 (730
16 ILCS 5/5-6-3).

17 (e) FINE. Fines may be imposed as provided in Section
18 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

19 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
20 concerning restitution.

21 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
22 be concurrent or consecutive as provided in Section 5-8-4 (730
23 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

24 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
25 Act (730 ILCS 166/20) concerning eligibility for a drug court
26 program.

1 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
2 ILCS 5/5-4.5-100) concerning credit for time spent in home
3 detention prior to judgment.

4 (j) SENTENCE CREDIT ~~EARLY RELEASE; GOOD CONDUCT~~. See
5 Section 3-6-3 of this Code (730 ILCS 5/3-6-3) or the County
6 Jail Good Behavior Allowance Act (730 ILCS 130/) for rules and
7 regulations for sentence credit ~~early release based on good~~
8 ~~conduct~~.

9 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
10 5/5-8A-3) concerning eligibility for electronic home
11 detention.

12 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
13 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
14 5/5-8-1), the parole or mandatory supervised release term shall
15 be one year upon release from imprisonment.

16 (Source: P.A. 95-1052, eff. 7-1-09.)

17 (730 ILCS 5/5-4.5-45)

18 Sec. 5-4.5-45. CLASS 4 FELONIES; SENTENCE. For a Class 4
19 felony:

20 (a) TERM. The sentence of imprisonment shall be a
21 determinate sentence of not less than one year and not more
22 than 3 years. The sentence of imprisonment for an extended term
23 Class 4 felony, as provided in Section 5-8-2 (730 ILCS
24 5/5-8-2), shall be a term not less than 3 years and not more
25 than 6 years.

1 (b) PERIODIC IMPRISONMENT. A sentence of periodic
2 imprisonment shall be for a definite term of up to 18 months,
3 except as otherwise provided in Section 5-5-3 or 5-7-1 (730
4 ILCS 5/5-5-3 or 5/5-7-1).

5 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2
6 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for
7 the impact incarceration program or the county impact
8 incarceration program.

9 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
10 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
11 period of probation or conditional discharge shall not exceed
12 30 months. The court shall specify the conditions of probation
13 or conditional discharge as set forth in Section 5-6-3 (730
14 ILCS 5/5-6-3).

15 (e) FINE. Fines may be imposed as provided in Section
16 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

17 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
18 concerning restitution.

19 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
20 be concurrent or consecutive as provided in Section 5-8-4 (730
21 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

22 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
23 Act (730 ILCS 166/20) concerning eligibility for a drug court
24 program.

25 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
26 ILCS 5/5-4.5-100) concerning credit for time spent in home

1 detention prior to judgment.

2 (j) SENTENCE CREDIT ~~EARLY RELEASE; GOOD CONDUCT~~. See
3 Section 3-6-3 of this Code (730 ILCS 5/3-6-3) or the County
4 Jail Good Behavior Allowance Act (730 ILCS 130/) for rules and
5 regulations for sentence credit ~~early release based on good~~
6 ~~conduct~~.

7 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
8 5/5-8A-3) concerning eligibility for electronic home
9 detention.

10 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
11 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
12 5/5-8-1), the parole or mandatory supervised release term shall
13 be one year upon release from imprisonment.

14 (Source: P.A. 95-1052, eff. 7-1-09.)

15 (730 ILCS 5/5-4.5-55)

16 Sec. 5-4.5-55. CLASS A MISDEMEANORS; SENTENCE. For a Class
17 A misdemeanor:

18 (a) TERM. The sentence of imprisonment shall be a
19 determinate sentence of less than one year.

20 (b) PERIODIC IMPRISONMENT. A sentence of periodic
21 imprisonment shall be for a definite term of less than one
22 year, except as otherwise provided in Section 5-5-3 or 5-7-1
23 (730 ILCS 5/5-5-3 or 5/5-7-1).

24 (c) IMPACT INCARCERATION. See Section 5-8-1.2 (730 ILCS
25 5/5-8-1.2) concerning eligibility for the county impact

1 incarceration program.

2 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
3 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
4 period of probation or conditional discharge shall not exceed 2
5 years. The court shall specify the conditions of probation or
6 conditional discharge as set forth in Section 5-6-3 (730 ILCS
7 5/5-6-3).

8 (e) FINE. A fine not to exceed \$2,500 for each offense or
9 the amount specified in the offense, whichever is greater, may
10 be imposed. A fine may be imposed in addition to a sentence of
11 conditional discharge, probation, periodic imprisonment, or
12 imprisonment. See Article 9 of Chapter V (730 ILCS 5/Ch. V,
13 Art. 9) for imposition of additional amounts and determination
14 of amounts and payment.

15 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
16 concerning restitution.

17 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
18 be concurrent or consecutive as provided in Section 5-8-4 (730
19 ILCS 5/5-8-4).

20 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
21 Act (730 ILCS 166/20) concerning eligibility for a drug court
22 program.

23 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
24 ILCS 5/5-4.5-100) concerning credit for time spent in home
25 detention prior to judgment.

26 (j) GOOD BEHAVIOR ALLOWANCE ~~EARLY RELEASE; GOOD CONDUCT.~~

1 See the County Jail Good Behavior Allowance Act (730 ILCS 130/)
2 for rules and regulations for good behavior allowance ~~early~~
3 ~~release based on good conduct.~~

4 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
5 5/5-8A-3) concerning eligibility for electronic home
6 detention.

7 (Source: P.A. 95-1052, eff. 7-1-09.)

8 (730 ILCS 5/5-4.5-60)

9 Sec. 5-4.5-60. CLASS B MISDEMEANORS; SENTENCE. For a Class
10 B misdemeanor:

11 (a) TERM. The sentence of imprisonment shall be a
12 determinate sentence of not more than 6 months.

13 (b) PERIODIC IMPRISONMENT. A sentence of periodic
14 imprisonment shall be for a definite term of up to 6 months or
15 as otherwise provided in Section 5-7-1 (730 ILCS 5/5-7-1).

16 (c) IMPACT INCARCERATION. See Section 5-8-1.2 (730 ILCS
17 5/5-8-1.2) concerning eligibility for the county impact
18 incarceration program.

19 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
20 in Section 5-6-2 (730 ILCS 5/5-6-2), the period of probation or
21 conditional discharge shall not exceed 2 years. The court shall
22 specify the conditions of probation or conditional discharge as
23 set forth in Section 5-6-3 (730 ILCS 5/5-6-3).

24 (e) FINE. A fine not to exceed \$1,500 for each offense or
25 the amount specified in the offense, whichever is greater, may

1 be imposed. A fine may be imposed in addition to a sentence of
2 conditional discharge, probation, periodic imprisonment, or
3 imprisonment. See Article 9 of Chapter V (730 ILCS 5/Ch. V,
4 Art. 9) for imposition of additional amounts and determination
5 of amounts and payment.

6 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
7 concerning restitution.

8 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
9 be concurrent or consecutive as provided in Section 5-8-4 (730
10 ILCS 5/5-8-4).

11 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
12 Act (730 ILCS 166/20) concerning eligibility for a drug court
13 program.

14 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
15 ILCS 5/5-4.5-100) concerning credit for time spent in home
16 detention prior to judgment.

17 (j) GOOD BEHAVIOR ALLOWANCE ~~EARLY RELEASE; GOOD CONDUCT~~.
18 See the County Jail Good Behavior Allowance Act (730 ILCS 130/)
19 for rules and regulations for good behavior allowance ~~early~~
20 ~~release based on good conduct~~.

21 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
22 5/5-8A-3) concerning eligibility for electronic home
23 detention.

24 (Source: P.A. 95-1052, eff. 7-1-09.)

25 (730 ILCS 5/5-4.5-65)

1 Sec. 5-4.5-65. CLASS C MISDEMEANORS; SENTENCE. For a Class
2 C misdemeanor:

3 (a) TERM. The sentence of imprisonment shall be a
4 determinate sentence of not more than 30 days.

5 (b) PERIODIC IMPRISONMENT. A sentence of periodic
6 imprisonment shall be for a definite term of up to 30 days or
7 as otherwise provided in Section 5-7-1 (730 ILCS 5/5-7-1).

8 (c) IMPACT INCARCERATION. See Section 5-8-1.2 (730 ILCS
9 5/5-8-1.2) concerning eligibility for the county impact
10 incarceration program.

11 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
12 in Section 5-6-2 (730 ILCS 5/5-6-2), the period of probation or
13 conditional discharge shall not exceed 2 years. The court shall
14 specify the conditions of probation or conditional discharge as
15 set forth in Section 5-6-3 (730 ILCS 5/5-6-3).

16 (e) FINE. A fine not to exceed \$1,500 for each offense or
17 the amount specified in the offense, whichever is greater, may
18 be imposed. A fine may be imposed in addition to a sentence of
19 conditional discharge, probation, periodic imprisonment, or
20 imprisonment. See Article 9 of Chapter V (730 ILCS 5/Ch. V,
21 Art. 9) for imposition of additional amounts and determination
22 of amounts and payment.

23 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
24 concerning restitution.

25 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
26 be concurrent or consecutive as provided in Section 5-8-4 (730

1 ILCS 5/5-8-4).

2 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
3 Act (730 ILCS 166/20) concerning eligibility for a drug court
4 program.

5 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
6 ILCS 5/5-4.5-100) concerning credit for time spent in home
7 detention prior to judgment.

8 (j) GOOD BEHAVIOR ALLOWANCE ~~EARLY RELEASE; GOOD CONDUCT~~.
9 See the County Jail Good Behavior Allowance Act (730 ILCS 130//
10 for rules and regulations for good behavior allowance ~~early~~
11 ~~release based on good conduct~~.

12 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
13 5/5-8A-3) concerning eligibility for electronic home
14 detention.

15 (Source: P.A. 95-1052, eff. 7-1-09.)

16 (730 ILCS 5/5-4.5-100)

17 Sec. 5-4.5-100. CALCULATION OF TERM OF IMPRISONMENT.

18 (a) COMMENCEMENT. A sentence of imprisonment shall
19 commence on the date on which the offender is received by the
20 Department or the institution at which the sentence is to be
21 served.

22 (b) CREDIT; TIME IN CUSTODY; SAME CHARGE. Except as set
23 forth in subsection (e), the offender shall be given credit on
24 the determinate sentence or maximum term and the minimum period
25 of imprisonment for the number of days ~~time~~ spent in custody as

1 a result of the offense for which the sentence was imposed. The
2 Department shall calculate the credit, at the rate specified in
3 Section 3-6-3 (730 ILCS 5/3-6-3). Except when prohibited by
4 subsection (d), the trial court shall ~~may~~ give credit to the
5 defendant for time spent in home detention on the same
6 sentencing terms as incarceration as provided in Section 5-8A-3
7 (730 ILCS 5/5-8A-3). The trial court may give credit to the
8 defendant for the number of days spent, ~~or when the defendant~~
9 ~~has been~~ confined for psychiatric or substance abuse treatment
10 prior to judgment, if the court finds that the detention or
11 confinement was custodial.

12 (c) CREDIT; TIME IN CUSTODY; FORMER CHARGE. An offender
13 arrested on one charge and prosecuted on another charge for
14 conduct that occurred prior to his or her arrest shall be given
15 credit on the determinate sentence or maximum term and the
16 minimum term of imprisonment for time spent in custody under
17 the former charge not credited against another sentence.

18 (c-5) CREDIT; PROGRAMMING. The trial court shall give the
19 defendant credit for successfully completing county
20 programming while in custody prior to imposition of sentence at
21 the rate specified in Section 3-6-3 (730 ILCS 5/3-6-3). For the
22 purposes of this subsection, "custody" includes time spent in
23 home detention.

24 (d) NO CREDIT; SOME HOME DETENTION. An offender sentenced
25 to a term of imprisonment for an offense listed in paragraph
26 (2) of subsection (c) of Section 5-5-3 (730 ILCS 5/5-5-3) or in

1 paragraph (3) of subsection (c-1) of Section 11-501 of the
2 Illinois Vehicle Code (625 ILCS 5/11-501) shall not receive
3 credit for time spent in home detention prior to judgment.

4 (e) NO CREDIT; REVOCATION OF PAROLE, MANDATORY SUPERVISED
5 RELEASE, OR PROBATION. An offender charged with the commission
6 of an offense committed while on parole, mandatory supervised
7 release, or probation shall not be given credit for time spent
8 in custody under subsection (b) for that offense for any time
9 spent in custody as a result of a revocation of parole,
10 mandatory supervised release, or probation where such
11 revocation is based on a sentence imposed for a previous
12 conviction, regardless of the facts upon which the revocation
13 of parole, mandatory supervised release, or probation is based,
14 unless both the State and the defendant agree that the time
15 served for a violation of mandatory supervised release, parole,
16 or probation shall be credited towards the sentence for the
17 current offense.

18 (Source: P.A. 95-1052, eff. 7-1-09; incorporates 96-427, eff.
19 8-13-09; 96-1000, eff. 7-2-10.)

20 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

21 Sec. 5-5-3. Disposition.

22 (a) (Blank).

23 (b) (Blank).

24 (c) (1) (Blank).

25 (2) A period of probation, a term of periodic

1 imprisonment or conditional discharge shall not be imposed
2 for the following offenses. The court shall sentence the
3 offender to not less than the minimum term of imprisonment
4 set forth in this Code for the following offenses, and may
5 order a fine or restitution or both in conjunction with
6 such term of imprisonment:

7 (A) First degree murder where the death penalty is
8 not imposed.

9 (B) Attempted first degree murder.

10 (C) A Class X felony.

11 (D) A violation of Section 401.1 or 407 of the
12 Illinois Controlled Substances Act, or a violation of
13 subdivision (c) (1), (c) (1.5), or (c) (2) of Section 401
14 of that Act which relates to more than 5 grams of a
15 substance containing heroin, cocaine, fentanyl, or an
16 analog thereof.

17 (E) A violation of Section 5.1 or 9 of the Cannabis
18 Control Act.

19 (F) A Class 2 or greater felony if the offender had
20 been convicted of a Class 2 or greater felony,
21 including any state or federal conviction for an
22 offense that contained, at the time it was committed,
23 the same elements as an offense now (the date of the
24 offense committed after the prior Class 2 or greater
25 felony) classified as a Class 2 or greater felony,
26 within 10 years of the date on which the offender

1 committed the offense for which he or she is being
2 sentenced, except as otherwise provided in Section
3 40-10 of the Alcoholism and Other Drug Abuse and
4 Dependency Act.

5 (F-5) A violation of Section 24-1, 24-1.1, or
6 24-1.6 of the Criminal Code of 1961 for which
7 imprisonment is prescribed in those Sections.

8 (G) Residential burglary, except as otherwise
9 provided in Section 40-10 of the Alcoholism and Other
10 Drug Abuse and Dependency Act.

11 (H) Criminal sexual assault.

12 (I) Aggravated battery of a senior citizen as
13 described in Section 12-4.6 or subdivision (a)(4) of
14 Section 12-3.05.

15 (J) A forcible felony if the offense was related to
16 the activities of an organized gang.

17 Before July 1, 1994, for the purposes of this
18 paragraph, "organized gang" means an association of 5
19 or more persons, with an established hierarchy, that
20 encourages members of the association to perpetrate
21 crimes or provides support to the members of the
22 association who do commit crimes.

23 Beginning July 1, 1994, for the purposes of this
24 paragraph, "organized gang" has the meaning ascribed
25 to it in Section 10 of the Illinois Streetgang
26 Terrorism Omnibus Prevention Act.

1 (K) Vehicular hijacking.

2 (L) A second or subsequent conviction for the
3 offense of hate crime when the underlying offense upon
4 which the hate crime is based is felony aggravated
5 assault or felony mob action.

6 (M) A second or subsequent conviction for the
7 offense of institutional vandalism if the damage to the
8 property exceeds \$300.

9 (N) A Class 3 felony violation of paragraph (1) of
10 subsection (a) of Section 2 of the Firearm Owners
11 Identification Card Act.

12 (O) A violation of Section 12-6.1 or 12-6.5 of the
13 Criminal Code of 1961.

14 (P) A violation of paragraph (1), (2), (3), (4),
15 (5), or (7) of subsection (a) of Section 11-20.1 of the
16 Criminal Code of 1961.

17 (Q) A violation of Section 20-1.2 or 20-1.3 of the
18 Criminal Code of 1961.

19 (R) A violation of Section 24-3A of the Criminal
20 Code of 1961.

21 (S) (Blank).

22 (T) A second or subsequent violation of the
23 Methamphetamine Control and Community Protection Act.

24 (U) A second or subsequent violation of Section
25 6-303 of the Illinois Vehicle Code committed while his
26 or her driver's license, permit, or privilege was

1 revoked because of a violation of Section 9-3 of the
2 Criminal Code of 1961, relating to the offense of
3 reckless homicide, or a similar provision of a law of
4 another state.

5 (V) A violation of paragraph (4) of subsection (c)
6 of Section 11-20.1B or paragraph (4) of subsection (c)
7 of Section 11-20.3 of the Criminal Code of 1961.

8 (W) A violation of Section 24-3.5 of the Criminal
9 Code of 1961.

10 (X) A violation of subsection (a) of Section 31-1a
11 of the Criminal Code of 1961.

12 (Y) A conviction for unlawful possession of a
13 firearm by a street gang member when the firearm was
14 loaded or contained firearm ammunition.

15 (Z) A Class 1 felony committed while he or she was
16 serving a term of probation or conditional discharge
17 for a felony.

18 (AA) Theft of property exceeding \$500,000 and not
19 exceeding \$1,000,000 in value.

20 (BB) Laundering of criminally derived property of
21 a value exceeding \$500,000.

22 (CC) Knowingly selling, offering for sale, holding
23 for sale, or using 2,000 or more counterfeit items or
24 counterfeit items having a retail value in the
25 aggregate of \$500,000 or more.

26 (DD) A conviction for aggravated assault under

1 paragraph (6) of subsection (c) of Section 12-2 of the
2 Criminal Code of 1961 if the firearm is aimed toward
3 the person against whom the firearm is being used.

4 (3) (Blank).

5 (4) A minimum term of imprisonment of not less than 10
6 consecutive days or 30 days of community service shall be
7 imposed for a violation of paragraph (c) of Section 6-303
8 of the Illinois Vehicle Code.

9 (4.1) (Blank).

10 (4.2) Except as provided in paragraphs (4.3) and (4.8)
11 of this subsection (c), a minimum of 100 hours of community
12 service shall be imposed for a second violation of Section
13 6-303 of the Illinois Vehicle Code.

14 (4.3) A minimum term of imprisonment of 30 days or 300
15 hours of community service, as determined by the court,
16 shall be imposed for a second violation of subsection (c)
17 of Section 6-303 of the Illinois Vehicle Code.

18 (4.4) Except as provided in paragraphs (4.5), (4.6),
19 and (4.9) of this subsection (c), a minimum term of
20 imprisonment of 30 days or 300 hours of community service,
21 as determined by the court, shall be imposed for a third or
22 subsequent violation of Section 6-303 of the Illinois
23 Vehicle Code.

24 (4.5) A minimum term of imprisonment of 30 days shall
25 be imposed for a third violation of subsection (c) of
26 Section 6-303 of the Illinois Vehicle Code.

1 (4.6) Except as provided in paragraph (4.10) of this
2 subsection (c), a minimum term of imprisonment of 180 days
3 shall be imposed for a fourth or subsequent violation of
4 subsection (c) of Section 6-303 of the Illinois Vehicle
5 Code.

6 (4.7) A minimum term of imprisonment of not less than
7 30 consecutive days, or 300 hours of community service,
8 shall be imposed for a violation of subsection (a-5) of
9 Section 6-303 of the Illinois Vehicle Code, as provided in
10 subsection (b-5) of that Section.

11 (4.8) A mandatory prison sentence shall be imposed for
12 a second violation of subsection (a-5) of Section 6-303 of
13 the Illinois Vehicle Code, as provided in subsection (c-5)
14 of that Section. The person's driving privileges shall be
15 revoked for a period of not less than 5 years from the date
16 of his or her release from prison.

17 (4.9) A mandatory prison sentence of not less than 4
18 and not more than 15 years shall be imposed for a third
19 violation of subsection (a-5) of Section 6-303 of the
20 Illinois Vehicle Code, as provided in subsection (d-2.5) of
21 that Section. The person's driving privileges shall be
22 revoked for the remainder of his or her life.

23 (4.10) A mandatory prison sentence for a Class 1 felony
24 shall be imposed, and the person shall be eligible for an
25 extended term sentence, for a fourth or subsequent
26 violation of subsection (a-5) of Section 6-303 of the

1 Illinois Vehicle Code, as provided in subsection (d-3.5) of
2 that Section. The person's driving privileges shall be
3 revoked for the remainder of his or her life.

4 (5) The court may sentence a corporation or
5 unincorporated association convicted of any offense to:

6 (A) a period of conditional discharge;

7 (B) a fine;

8 (C) make restitution to the victim under Section
9 5-5-6 of this Code.

10 (5.1) In addition to any other penalties imposed, and
11 except as provided in paragraph (5.2) or (5.3), a person
12 convicted of violating subsection (c) of Section 11-907 of
13 the Illinois Vehicle Code shall have his or her driver's
14 license, permit, or privileges suspended for at least 90
15 days but not more than one year, if the violation resulted
16 in damage to the property of another person.

17 (5.2) In addition to any other penalties imposed, and
18 except as provided in paragraph (5.3), a person convicted
19 of violating subsection (c) of Section 11-907 of the
20 Illinois Vehicle Code shall have his or her driver's
21 license, permit, or privileges suspended for at least 180
22 days but not more than 2 years, if the violation resulted
23 in injury to another person.

24 (5.3) In addition to any other penalties imposed, a
25 person convicted of violating subsection (c) of Section
26 11-907 of the Illinois Vehicle Code shall have his or her

1 driver's license, permit, or privileges suspended for 2
2 years, if the violation resulted in the death of another
3 person.

4 (5.4) In addition to any other penalties imposed, a
5 person convicted of violating Section 3-707 of the Illinois
6 Vehicle Code shall have his or her driver's license,
7 permit, or privileges suspended for 3 months and until he
8 or she has paid a reinstatement fee of \$100.

9 (5.5) In addition to any other penalties imposed, a
10 person convicted of violating Section 3-707 of the Illinois
11 Vehicle Code during a period in which his or her driver's
12 license, permit, or privileges were suspended for a
13 previous violation of that Section shall have his or her
14 driver's license, permit, or privileges suspended for an
15 additional 6 months after the expiration of the original
16 3-month suspension and until he or she has paid a
17 reinstatement fee of \$100.

18 (6) (Blank).

19 (7) (Blank).

20 (8) (Blank).

21 (9) A defendant convicted of a second or subsequent
22 offense of ritualized abuse of a child may be sentenced to
23 a term of natural life imprisonment.

24 (10) (Blank).

25 (11) The court shall impose a minimum fine of \$1,000
26 for a first offense and \$2,000 for a second or subsequent

1 offense upon a person convicted of or placed on supervision
2 for battery when the individual harmed was a sports
3 official or coach at any level of competition and the act
4 causing harm to the sports official or coach occurred
5 within an athletic facility or within the immediate
6 vicinity of the athletic facility at which the sports
7 official or coach was an active participant of the athletic
8 contest held at the athletic facility. For the purposes of
9 this paragraph (11), "sports official" means a person at an
10 athletic contest who enforces the rules of the contest,
11 such as an umpire or referee; "athletic facility" means an
12 indoor or outdoor playing field or recreational area where
13 sports activities are conducted; and "coach" means a person
14 recognized as a coach by the sanctioning authority that
15 conducted the sporting event.

16 (12) A person may not receive a disposition of court
17 supervision for a violation of Section 5-16 of the Boat
18 Registration and Safety Act if that person has previously
19 received a disposition of court supervision for a violation
20 of that Section.

21 (13) A person convicted of or placed on court
22 supervision for an assault or aggravated assault when the
23 victim and the offender are family or household members as
24 defined in Section 103 of the Illinois Domestic Violence
25 Act of 1986 or convicted of domestic battery or aggravated
26 domestic battery may be required to attend a Partner Abuse

1 Intervention Program under protocols set forth by the
2 Illinois Department of Human Services under such terms and
3 conditions imposed by the court. The costs of such classes
4 shall be paid by the offender.

5 (d) In any case in which a sentence originally imposed is
6 vacated, the case shall be remanded to the trial court. The
7 trial court shall hold a hearing under Section 5-4-1 of the
8 Unified Code of Corrections which may include evidence of the
9 defendant's life, moral character and occupation during the
10 time since the original sentence was passed. The trial court
11 shall then impose sentence upon the defendant. The trial court
12 may impose any sentence which could have been imposed at the
13 original trial subject to Section 5-5-4 of the Unified Code of
14 Corrections. If a sentence is vacated on appeal or on
15 collateral attack due to the failure of the trier of fact at
16 trial to determine beyond a reasonable doubt the existence of a
17 fact (other than a prior conviction) necessary to increase the
18 punishment for the offense beyond the statutory maximum
19 otherwise applicable, either the defendant may be re-sentenced
20 to a term within the range otherwise provided or, if the State
21 files notice of its intention to again seek the extended
22 sentence, the defendant shall be afforded a new trial.

23 (e) In cases where prosecution for aggravated criminal
24 sexual abuse under Section 11-1.60 or 12-16 of the Criminal
25 Code of 1961 results in conviction of a defendant who was a
26 family member of the victim at the time of the commission of

1 the offense, the court shall consider the safety and welfare of
2 the victim and may impose a sentence of probation only where:

3 (1) the court finds (A) or (B) or both are appropriate:

4 (A) the defendant is willing to undergo a court
5 approved counseling program for a minimum duration of 2
6 years; or

7 (B) the defendant is willing to participate in a
8 court approved plan including but not limited to the
9 defendant's:

10 (i) removal from the household;

11 (ii) restricted contact with the victim;

12 (iii) continued financial support of the
13 family;

14 (iv) restitution for harm done to the victim;

15 and

16 (v) compliance with any other measures that
17 the court may deem appropriate; and

18 (2) the court orders the defendant to pay for the
19 victim's counseling services, to the extent that the court
20 finds, after considering the defendant's income and
21 assets, that the defendant is financially capable of paying
22 for such services, if the victim was under 18 years of age
23 at the time the offense was committed and requires
24 counseling as a result of the offense.

25 Probation may be revoked or modified pursuant to Section
26 5-6-4; except where the court determines at the hearing that

1 the defendant violated a condition of his or her probation
2 restricting contact with the victim or other family members or
3 commits another offense with the victim or other family
4 members, the court shall revoke the defendant's probation and
5 impose a term of imprisonment.

6 For the purposes of this Section, "family member" and
7 "victim" shall have the meanings ascribed to them in Section
8 11-0.1 of the Criminal Code of 1961.

9 (f) (Blank).

10 (g) Whenever a defendant is convicted of an offense under
11 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
12 11-14.3, 11-14.4 except for an offense that involves keeping a
13 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
14 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
15 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961, the
16 defendant shall undergo medical testing to determine whether
17 the defendant has any sexually transmissible disease,
18 including a test for infection with human immunodeficiency
19 virus (HIV) or any other identified causative agent of acquired
20 immunodeficiency syndrome (AIDS). Any such medical test shall
21 be performed only by appropriately licensed medical
22 practitioners and may include an analysis of any bodily fluids
23 as well as an examination of the defendant's person. Except as
24 otherwise provided by law, the results of such test shall be
25 kept strictly confidential by all medical personnel involved in
26 the testing and must be personally delivered in a sealed

1 envelope to the judge of the court in which the conviction was
2 entered for the judge's inspection in camera. Acting in
3 accordance with the best interests of the victim and the
4 public, the judge shall have the discretion to determine to
5 whom, if anyone, the results of the testing may be revealed.
6 The court shall notify the defendant of the test results. The
7 court shall also notify the victim if requested by the victim,
8 and if the victim is under the age of 15 and if requested by the
9 victim's parents or legal guardian, the court shall notify the
10 victim's parents or legal guardian of the test results. The
11 court shall provide information on the availability of HIV
12 testing and counseling at Department of Public Health
13 facilities to all parties to whom the results of the testing
14 are revealed and shall direct the State's Attorney to provide
15 the information to the victim when possible. A State's Attorney
16 may petition the court to obtain the results of any HIV test
17 administered under this Section, and the court shall grant the
18 disclosure if the State's Attorney shows it is relevant in
19 order to prosecute a charge of criminal transmission of HIV
20 under Section 12-5.01 or 12-16.2 of the Criminal Code of 1961
21 against the defendant. The court shall order that the cost of
22 any such test shall be paid by the county and may be taxed as
23 costs against the convicted defendant.

24 (g-5) When an inmate is tested for an airborne communicable
25 disease, as determined by the Illinois Department of Public
26 Health including but not limited to tuberculosis, the results

1 of the test shall be personally delivered by the warden or his
2 or her designee in a sealed envelope to the judge of the court
3 in which the inmate must appear for the judge's inspection in
4 camera if requested by the judge. Acting in accordance with the
5 best interests of those in the courtroom, the judge shall have
6 the discretion to determine what if any precautions need to be
7 taken to prevent transmission of the disease in the courtroom.

8 (h) Whenever a defendant is convicted of an offense under
9 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
10 defendant shall undergo medical testing to determine whether
11 the defendant has been exposed to human immunodeficiency virus
12 (HIV) or any other identified causative agent of acquired
13 immunodeficiency syndrome (AIDS). Except as otherwise provided
14 by law, the results of such test shall be kept strictly
15 confidential by all medical personnel involved in the testing
16 and must be personally delivered in a sealed envelope to the
17 judge of the court in which the conviction was entered for the
18 judge's inspection in camera. Acting in accordance with the
19 best interests of the public, the judge shall have the
20 discretion to determine to whom, if anyone, the results of the
21 testing may be revealed. The court shall notify the defendant
22 of a positive test showing an infection with the human
23 immunodeficiency virus (HIV). The court shall provide
24 information on the availability of HIV testing and counseling
25 at Department of Public Health facilities to all parties to
26 whom the results of the testing are revealed and shall direct

1 the State's Attorney to provide the information to the victim
2 when possible. A State's Attorney may petition the court to
3 obtain the results of any HIV test administered under this
4 Section, and the court shall grant the disclosure if the
5 State's Attorney shows it is relevant in order to prosecute a
6 charge of criminal transmission of HIV under Section 12-5.01 or
7 12-16.2 of the Criminal Code of 1961 against the defendant. The
8 court shall order that the cost of any such test shall be paid
9 by the county and may be taxed as costs against the convicted
10 defendant.

11 (i) All fines and penalties imposed under this Section for
12 any violation of Chapters 3, 4, 6, and 11 of the Illinois
13 Vehicle Code, or a similar provision of a local ordinance, and
14 any violation of the Child Passenger Protection Act, or a
15 similar provision of a local ordinance, shall be collected and
16 disbursed by the circuit clerk as provided under Section 27.5
17 of the Clerks of Courts Act.

18 (j) In cases when prosecution for any violation of Section
19 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
20 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
21 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
22 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,
23 12-15, or 12-16 of the Criminal Code of 1961, any violation of
24 the Illinois Controlled Substances Act, any violation of the
25 Cannabis Control Act, or any violation of the Methamphetamine
26 Control and Community Protection Act results in conviction, a

1 disposition of court supervision, or an order of probation
2 granted under Section 10 of the Cannabis Control Act, Section
3 410 of the Illinois Controlled Substance Act, or Section 70 of
4 the Methamphetamine Control and Community Protection Act of a
5 defendant, the court shall determine whether the defendant is
6 employed by a facility or center as defined under the Child
7 Care Act of 1969, a public or private elementary or secondary
8 school, or otherwise works with children under 18 years of age
9 on a daily basis. When a defendant is so employed, the court
10 shall order the Clerk of the Court to send a copy of the
11 judgment of conviction or order of supervision or probation to
12 the defendant's employer by certified mail. If the employer of
13 the defendant is a school, the Clerk of the Court shall direct
14 the mailing of a copy of the judgment of conviction or order of
15 supervision or probation to the appropriate regional
16 superintendent of schools. The regional superintendent of
17 schools shall notify the State Board of Education of any
18 notification under this subsection.

19 (j-5) A defendant at least 17 years of age who is convicted
20 of a felony and who has not been previously convicted of a
21 misdemeanor or felony and who is sentenced to a term of
22 imprisonment in the Illinois Department of Corrections shall as
23 a condition of his or her sentence be required by the court to
24 attend educational courses designed to prepare the defendant
25 for a high school diploma and to work toward a high school
26 diploma or to work toward passing the high school level Test of

1 General Educational Development (GED) or to work toward
2 completing a vocational training program offered by the
3 Department of Corrections. If a defendant fails to complete the
4 educational training required by his or her sentence during the
5 term of incarceration, the Prisoner Review Board shall, as a
6 condition of mandatory supervised release, require the
7 defendant, at his or her own expense, to pursue a course of
8 study toward a high school diploma or passage of the GED test.
9 The Prisoner Review Board shall revoke the mandatory supervised
10 release of a defendant who wilfully fails to comply with this
11 subsection (j-5) upon his or her release from confinement in a
12 penal institution while serving a mandatory supervised release
13 term; however, the inability of the defendant after making a
14 good faith effort to obtain financial aid or pay for the
15 educational training shall not be deemed a wilful failure to
16 comply. The Prisoner Review Board shall recommit the defendant
17 whose mandatory supervised release term has been revoked under
18 this subsection (j-5) as provided in Section 3-3-9. This
19 subsection (j-5) does not apply to a defendant who has a high
20 school diploma or has successfully passed the GED test. This
21 subsection (j-5) does not apply to a defendant who is
22 determined by the court to be developmentally disabled or
23 otherwise mentally incapable of completing the educational or
24 vocational program.

25 (k) (Blank).

26 (l) (A) Except as provided in paragraph (C) of subsection

1 (1), whenever a defendant, who is an alien as defined by
2 the Immigration and Nationality Act, is convicted of any
3 felony or misdemeanor offense, the court after sentencing
4 the defendant may, upon motion of the State's Attorney,
5 hold sentence in abeyance and remand the defendant to the
6 custody of the Attorney General of the United States or his
7 or her designated agent to be deported when:

8 (1) a final order of deportation has been issued
9 against the defendant pursuant to proceedings under
10 the Immigration and Nationality Act, and

11 (2) the deportation of the defendant would not
12 deprecate the seriousness of the defendant's conduct
13 and would not be inconsistent with the ends of justice.

14 Otherwise, the defendant shall be sentenced as
15 provided in this Chapter V.

16 (B) If the defendant has already been sentenced for a
17 felony or misdemeanor offense, or has been placed on
18 probation under Section 10 of the Cannabis Control Act,
19 Section 410 of the Illinois Controlled Substances Act, or
20 Section 70 of the Methamphetamine Control and Community
21 Protection Act, the court may, upon motion of the State's
22 Attorney to suspend the sentence imposed, commit the
23 defendant to the custody of the Attorney General of the
24 United States or his or her designated agent when:

25 (1) a final order of deportation has been issued
26 against the defendant pursuant to proceedings under

1 the Immigration and Nationality Act, and

2 (2) the deportation of the defendant would not
3 deprecate the seriousness of the defendant's conduct
4 and would not be inconsistent with the ends of justice.

5 (C) This subsection (1) does not apply to offenders who
6 are subject to the provisions of paragraph (2) of
7 subsection (a) of Section 3-6-3.

8 (D) Upon motion of the State's Attorney, if a defendant
9 sentenced under this Section returns to the jurisdiction of
10 the United States, the defendant shall be recommitted to
11 the custody of the county from which he or she was
12 sentenced. Thereafter, the defendant shall be brought
13 before the sentencing court, which may impose any sentence
14 that was available under Section 5-5-3 at the time of
15 initial sentencing. In addition, the defendant shall not be
16 eligible for additional sentence ~~good conduct~~ credit for
17 good conduct ~~meritorious service~~ as provided under Section
18 3-6-3 ~~3-6-6~~.

19 (m) A person convicted of criminal defacement of property
20 under Section 21-1.3 of the Criminal Code of 1961, in which the
21 property damage exceeds \$300 and the property damaged is a
22 school building, shall be ordered to perform community service
23 that may include cleanup, removal, or painting over the
24 defacement.

25 (n) The court may sentence a person convicted of a
26 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or

1 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
2 of 1961 (i) to an impact incarceration program if the person is
3 otherwise eligible for that program under Section 5-8-1.1, (ii)
4 to community service, or (iii) if the person is an addict or
5 alcoholic, as defined in the Alcoholism and Other Drug Abuse
6 and Dependency Act, to a substance or alcohol abuse program
7 licensed under that Act.

8 (o) Whenever a person is convicted of a sex offense as
9 defined in Section 2 of the Sex Offender Registration Act, the
10 defendant's driver's license or permit shall be subject to
11 renewal on an annual basis in accordance with the provisions of
12 license renewal established by the Secretary of State.

13 (Source: P.A. 96-348, eff. 8-12-09; 96-400, eff. 8-13-09;
14 96-829, eff. 12-3-09; 96-1200, eff. 7-22-10; 96-1551, Article
15 1, Section 970, eff. 7-1-11; 96-1551, Article 2, Section 1065,
16 eff. 7-1-11; 96-1551, Article 10, Section 10-150, eff. 7-1-11;
17 97-159, eff. 7-21-11; revised 9-14-11.)

18 (730 ILCS 5/5-8-1.4 new)

19 Sec. 5-8-1.4. Compliance Credit Pilot Program.

20 (a) There is created a Compliance Credit Pilot Program
21 beginning on January 1, 2013. The purpose of the program is to
22 incentivize compliant behavior by inmates convicted of certain
23 non-violent offenses sentenced to imprisonment in the
24 Department for the first time, and to facilitate successful
25 re-entry into society with enhanced community supervision

1 following release.

2 (b) If the court finds that an offender sentenced to a term
3 of imprisonment for a covered offense meets the eligibility
4 criteria of this Section, the court may, in its sentencing
5 order, approve the offender for participation in the Compliance
6 Credit Pilot Program.

7 (c) Covered offenses are:

8 (1) Class 4 felony possession of a controlled
9 substance.

10 (2) Class 4 felony possession of cannabis.

11 (3) Class 4 felony prostitution.

12 (d) To be eligible for the Compliance Credit Pilot Program
13 the offender must be convicted of a covered offense and:

14 (1) be sentenced to not more than 2 years in the
15 Department;

16 (2) have 2 or more sentences of probation for prior
17 convictions;

18 (3) not have a prior conviction for which the offender
19 was sentenced to a term of imprisonment in the Department,
20 another state or federal adult correctional facility;

21 (4) not have a prior conviction for a covered offense
22 that resulted in a sentence of imprisonment; and

23 (5) where the offender has a prior felony conviction
24 for theft or retail theft, then he or she must have
25 received a disposition other than a sentence of
26 imprisonment and the court must make a written

1 determination that the previous conviction for theft or
2 retail theft was substance abuse related.

3 (e) An offender approved for the Compliance Credit Pilot
4 Program by the court shall participate in the program for the
5 following term:

6 (1) if sentenced to one year but less than 18 months of
7 imprisonment, a term of 60 days;

8 (2) if sentenced to 18 months but less than 2 years of
9 imprisonment, a term of 75 days; or

10 (3) if sentenced to 2 years of imprisonment, a term of
11 90 days.

12 (f) An offender who successfully completes the Compliance
13 Credit Pilot Program term, shall be released after completion
14 of the required term to serve one year of mandatory supervised
15 release under paragraph (3) of subsection (d) of Section 5-8-1
16 of this Code. The offender shall be subject to the mandatory
17 supervised release conditions under Section 3-3-7 of this Code.

18 (g) An offender shall be subject to a program of graduated
19 sanctions as determined by the Department for a violation of a
20 Department or facility rule or regulation during the program
21 term. The sentence of an offender terminated from the program
22 shall not be reduced by the number of days the offender
23 participated in the program. The number of days the terminated
24 offender served in the program shall be deducted from the
25 offender's unserved sentence credit.

26 (h) The Department shall report to the Governor and the

1 General Assembly by December 31, 2013 and by December 31 of
2 each calendar year thereafter until January 1, 2016, on the
3 Compliance Credit Pilot Program. The report shall include, but
4 not be limited to, the following:

5 (1) the number of offenders sentenced to the program,
6 by county;

7 (2) the recidivism rate of offenders who participated
8 in the program, including the number of participants
9 re-incarcerated for technical parole violations and those
10 arrested for new offenses;

11 (3) the number of offenders that successfully
12 completed the program; and

13 (4) the number of offenders terminated from the
14 program.

15 (i) For each inmate released under the Compliance Credit
16 Pilot Program, prior to the initial release date assigned to
17 the inmate upon entry to the Department, 50% of the marginal
18 cost saved by the Department from the earlier release date
19 shall be transferred to Department programming that is
20 available to earn sentence credit, facilitate successful
21 re-entry into society by inmates, reduce recidivism of released
22 inmates, and diversion of low-risk offenders from
23 incarceration in the Department. When more than 250 inmates
24 have been released under the Compliance Credit Pilot Program,
25 50% of the per capita costs saved less the marginal cost
26 savings redirected to programming shall be transferred to the

1 Adult Redeploy Illinois program up to a maximum of \$10 million
2 in the next Fiscal Year. Savings shall be calculated by the
3 Sentencing Policy Advisory Council by use of the following
4 formula:

5 (1) As used in this subsection:

6 "Daily per capita cost" means the per capita costs
7 for the Fiscal Year in question divided by the number
8 of days in that year.

9 "Daily marginal cost" means the marginal cost for
10 the Fiscal Year in question divided by the number of
11 days in that year.

12 "Days served" means a calendar day, or part
13 thereof, during which an inmate was incarcerated.

14 "Marginal cost" means the average marginal cost
15 per inmate reported by the Department of Corrections in
16 its annual report for the Fiscal Year during which the
17 inmates in question were incarcerated.

18 "Per capita cost" means the average per capita cost
19 reported by the Department of Corrections in its annual
20 report for the Fiscal Year during which the inmates in
21 question were incarcerated.

22 (2) Cost savings shall be calculated by the Sentencing
23 Policy Advisory Council based on the reduction in the total
24 number of days served by inmates due to the Compliance
25 Credit Pilot Program. Marginal cost savings shall be
26 calculated as the total reduction in the number of days

1 served multiplied by the daily marginal cost. Per capita
2 cost savings shall be calculated as the total reduction in
3 the number of days served multiplied by the daily per
4 capita cost.

5 (j) This Section is repealed on January 1, 2016.

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.".